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ABSTRACT

This symposium proceedings reports on the background, purpose, and implementation of meetings held on May 19-21, 1997 that focused on race, language, and special education. Participants from school districts in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Vermont formed teams that included two or more of the following: local directors of special education, principals, parents, superintendents, counselors, social workers, bilingual specialists, and psychologists. Technical assistance providers and State Education Agency staff also participated in the symposium. Presentations and workshops focused on helping participants better understand the Office for Civil Rights' role, process and procedures, and provided information that would enable district/state teams to develop preliminary plans in the areas of teaching and procedural strategies, community/family involvement, staff development, information gathering, and evaluation related to race, language, and special education. Specific presentations included: "Literacy Development and the Culturally and Linguistically Diverse Student" (Patricia Landurand); "Community Involvement and Parent Empowerment" (Beth Harry); "The Past, Present and Future of Nondiscriminatory Assessment" (Richard A. Figueroa); "Effective Literacy Instruction of Bilingual Students in Special Education" (Nadeen T. Ruiz); and "Approaches to Self Evaluation for School Districts" (Beth Harry). The report includes a synopsis of all presentations and plenary sessions, a summary of the "next steps" generated by state and district teams, and a summary of evaluation feedback from the participants. (Presentations contain references.) (CR)

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ED 413 717

REGIONAL SYMPOSIUM ON RACE, LANGUAGE AND SPECIAL EDUCATION

❖ Proceedings Document ❖

May 19-21, 1997
Sheraton Hartford Hotel
Hartford, Connecticut

Race
Language
Special
Education

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May 19-21, 1997
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Sponsored by:

The Northeast Regional Resource Center
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Project FORUM at the National Association of State Directors of Special Education (NASDSE) is a contract funded by the Office of Special Education Programs of the U. S. Department of Education. The project carries out a variety of activities that provide information needed for program improvement, and promote the utilization of research data and other information for improving outcomes for students with disabilities. The project also provides technical assistance and information on emerging issues, and convenes small work groups to gather expert input, obtain feedback, and develop conceptual frameworks related to critical topics in special education.

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Abstract

This document reports on the background, purpose, and implementation of a symposium entitled, *Regional Symposium on Race, Language and Special Education*, held at the Sheraton Hartford in Hartford, Connecticut on May 19-21, 1997. This symposium was jointly sponsored by the Northeast Regional Resource Center (NERRC), Project FORUM at NASDSE, the Office for Civil Rights (OCR), and the Urban Special Education Leadership Collaborative (USELC). Participants included teams from school districts in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Vermont. Teams included two or more of the following: local directors of special education, principals, parents, superintendent, counselors, social workers, bilingual specialists, and psychologists. Technical assistance providers and State Education Agency staff also participated in the symposium. Presentations and workshops focused on helping participants better understand OCR's role, process and procedures; and providing information that would enable district/state teams to develop preliminary plans in the areas of teaching and procedural strategies, community/family involvement, staff development, information gathering, and evaluation related to race, language and special education. The symposium proceedings document includes a synopsis of all presentations and plenary sessions, a summary of the "next steps" generated by state and district teams, and a summary of evaluation feedback from the participants.

REGIONAL SYMPOSIUM ON RACE, LANGUAGE AND SPECIAL EDUCATION

Background and Goals

There is long-standing and continuing concern in the education community about the disproportionate number of students from racial, ethnic and linguistic minority groups receiving special education services. Over the years, policy makers, researchers, technical assistance providers, administrators, advocates, community members and others have addressed various aspects of this issue; however, the concern remains salient in the eyes of many inside and outside the education community.

In the spring of 1996, the Northeast Regional Resource Center (NERRC) and Project FORUM at the National Association of State Directors of Special Education (NASDSE) began discussions about a collaborative activity on race, language and special education. The impetus for such collaboration was Project FORUM's continued interest in this issue and the expressed needs of the northeastern state directors of special education in this topic area. In order to pool the resources and expertise of others working on these issues and address the topics of interest to state and local education agency staff, the Office for Civil Rights (OCR) and the Urban Special Education Leadership Collaborative (USELC) were asked to be part of the planning process and jointly sponsor a regional symposium.

The goals of the symposium were:

- ❖ To improve collection, analysis, and utilization of district and state information;
- ❖ To understand OCR's role, process and procedures; and
- ❖ To enable district/state teams to develop preliminary plans in the areas of teaching and procedural strategies, community/family involvement, staff development, information gathering, and evaluation.

Selection of Participants

State directors of special education in the NERRC region (CT, MA, ME, NH, NJ, NY, RI, VT) were asked to nominate and prioritize two to four school districts that would send teams of three to five persons to participate in the symposium. The suggested criteria for identification of districts were:

- ☞ serves a student population that is diverse in terms of cultural, racial and/or linguistic characteristics
- ☞ would include leadership personnel on its team
- ☞ has a commitment to equity
- ☞ has a commitment to implementing a plan that would result in new policies and/or strategies related to the goals of the symposium

State directors of special education were advised that the symposium was not an opportunity for districts to negotiate a resolution agreement with OCR because it was designed for districts that had no recent experience with OCR on the issue of over or under representation of minorities in special education. School districts invited to the symposium would not be targeted for OCR review. OCR contact names were provided as optional consultants for the nomination and prioritization process. State directors of special education or their designees were also invited to participate.

Contact persons in nominated school districts were sent a letter of invitation describing the goals of the symposium and guidelines for participation, including team composition. The teams were requested to include three to five persons from these categories: leadership personnel, parent or community member, principal, school board member, superintendent, assistant superintendent or person responsible for curriculum development, staff from bilingual education. Participants included representatives from the following school districts:

Connecticut - West Hartford
Massachusetts - New Bedford, Holyoke, Somerville
New Jersey - Cherry Hill, Edison, Montclair, Mt. Olive
New York - Buffalo, New York City #15
Rhode Island - Central Falls, Pawtucket
Vermont - Burlington, South Burlington

Staff from the state education agencies (SEA) in Connecticut, Massachusetts, New Jersey, Rhode Island, and Vermont were among the participants, as well as technical assistance providers. The participant list can be found in Appendix A.

Pre-Symposium Materials

Prior to the symposium, state and district participants were mailed a packet of information to help them focus and direct their efforts during the symposium. One item in the packet was a survey entitled, *Preliminary Opinion Survey for Racial, Cultural and Linguistic Diversity Issues.* Participants were asked to complete the survey prior to the symposium to stimulate thought on key issues related to race, language and special education. The survey can be found in Appendix B. The second item in the packet was information on the four concurrent four-hour workshops scheduled for the second day of the symposium. With this information, teams could begin determining which members would attend which workshops.

Process of the Symposium

Pamela Kaufmann, Director of NERRC, opened the symposium by welcoming the participants, introducing the sponsors, and providing an overview of the symposium activities. The keynote speaker was Dr. Marlene Simon, Program Officer with the U.S. Department of Education's Office of Special Education Programs (OSEP). Dr. Simon emphasized OSEP's commitment to the critical issues related to race, language and special education.

OCR presented a panel discussion on the history and current practice at OCR related to the disproportionate number of students from racial and ethnic minority groups receiving special education. Representing OCR were: Tracey Beers, Staff Attorney from the New York office, Tom Mela, Senior Attorney from the Boston office, and Brenda Wolff, Acting Director from the Philadelphia office.

Following the OCR staff presentations, a panel of representatives from five school districts that have worked with OCR extensively on the issue of disproportionality described their districts, and discussed initiatives and reactions in response to OCR review. The school district representatives were: Dr. John Abbott, Director of Pupil Personnel Services in the Stamford Public Schools, CT; Dr. Pia Durkin, Director of Special Education in the Providence Public Schools, RI ; Ruth Gadbois, Director of Special Education in the Worcester Public Schools, MA; Dr. Clifford Janey, Superintendent in the Rochester Public Schools, NY; and Randolph Kraft, Director of Pupil Personnel Services in the Public Schools of the Tarrytowns, NY.

At the end of the first day, the district teams had an opportunity to meet with other teams and SEA staff from their state to *de-brief* about the day's activities and identify issues and concerns in their districts related to race, language and special education. [*Editor's note: A representative from one of the sponsoring groups was available to facilitate the SEA/district meetings throughout the symposium. These facilitators played a variety of roles and, in some cases, the opted to meet without a facilitator.*]

Most of the second day of the symposium was devoted to the following four concurrent interactive workshops:

- *Literacy Development and the Culturally and Linguistically Diverse Student* - Dr. Patricia Medeiros Landurand, Associate Professor in the Department of Special Education at Rhode Island College
- *Community Involvement and Parent Empowerment* - Dr. Beth Harry, Associate Professor in the Department of Teaching and Learning at the University of Miami
- *The Past, Present and Future of Nondiscriminatory Assessment* - Dr. Richard A. Figueroa, Professor of Education at the University of California, Davis
- *Effective Literacy Instruction for Bilingual Students in Special Education* - Dr. Nadeen Ruiz, Associate Professor of Bilingual Multicultural Education at California State University, Sacramento

Following the workshops, district teams had an opportunity to discuss the workshop material and prepare questions for the workshops leaders, who sat on a panel for the last session of the day.

The final morning of the symposium began with an interactive session on self-evaluation guidelines for SEAs and LEAs, lead by Dr. Beth Harry. District teams then met for a final time to specify the steps they would take to address the issues of race, language and special education when they returned from the symposium. Each team's "next steps" were recorded on flip chart paper, and following the small group session, each team displayed its "next steps" for other teams to view and discuss on an informal basis. Pamela Kaufmann concluded the symposium with a summary of topics addressed and challenges ahead. The symposium agenda can be found in Appendix C. A brief biographical sketch on each presenter can be found in Appendix D.

The remainder of this document is the proceedings of the symposium. Each presenter submitted a written version of his/her presentation and other sessions/activities have been summarized in writing for the purposes of this document.

* * *

Keynote Address - Dr. Marlene Simon, Program Officer, OSEP

Thank you and good morning. I bring you greetings from Tom Hehir, the Director of the Office of Special Education Programs, as well as salutations from the rest of the staff at OSEP. I want to tell you what a real pleasure it is to be here today. Meetings such as this one, that involve a unique assortment of school district teams, Department of Education representatives, and technical assistance providers for mutual communication, collaboration, and training can go a long way towards developing the kinds of partnerships that improve program quality. This is exactly what we need to improve our educational systems and address the needs of children with disabilities.

Tom Hehir frequently says that we need to spend more time looking at the past twenty years and appreciating our accomplishments. He takes a lot of pride in the accomplishments we have made on behalf of children with disabilities. We tend to forget that in the recent past, three quarters of a million children with disabilities were denied a public education. That's astounding! With the passage of what we now know as the Individual with Disabilities Education Act (IDEA) we resolved that issue, and that's a major accomplishment. We need to have the same kind of resolve, and take the same kind of action to address the challenges we face today.

One of the critical issues we still need to address is the development of educational programs that address the needs of culturally and linguistically diverse students. It's absolutely critical that we identify, understand, and implement the best possible scenarios for ensuring that the services we provide will help these students acquire the skills they need to grow and learn and achieve their maximum level of independence. Special education has some real problems in this arena that we must begin to deal with.

One of the major studies that addressed the issue of effective programs was the National Longitudinal Transition Study (Wagner, et al., 1991), and this study generated a lot of data. Table 1 (displayed during keynote address) compares 15 to 20-year-old students in the general population to those with disabilities on some selected demographic characteristics. Seventy-three percent of the general population of 15-20 year-old youth are White, and 65 percent of the youth with disabilities are White. However, there are large discrepancies when you look at the population of Black youth. For example, 14 percent of the general youth population is Black but nearly 24 percent of the youth who are disabled are Black—21 percent of the youth with learning disabilities are Black, nearly 25 percent with severe emotional disturbance, 28 percent with speech impairments, and 31 percent with mental retardation.

Similar serious discrepancies were noted with regard to Hispanic youth. Six percent of the youth in the general population are Hispanic, yet 8 percent of the youth with learning disabilities are Hispanic, 14 percent with speech impairments, 8 percent with visual impairments, almost 10 percent of who are deaf, 14 percent who are hearing impaired, and 15 percent who are identified as orthopedically impaired.

In terms of income and family status—based on 1986 data—almost 39 percent of the general population of youth live in families with an income of less than $25,000 per year and more than 25 percent live in one parent households. Whereas, 68 percent of the youth with disabilities live in families with low incomes and more than 36 percent live in one parent households. This clearly indicates a high rate of poverty among youth with disabilities. While twenty-two percent of the general population of youth live in households where the head of household is not a high school graduate, an astounding 41 percent of the youth with disabilities live in such situations. [See Table 2, that was displayed during the address].

When comparing family income, a high percentage of youth in all disability classifications live in poverty, ranging from 64 to 74 percent. This high poverty incidence could have something to do with the fact that a high percentage of family heads of household are not high school graduates. [See Table 3, that was display during the address.]

In some instances, it may be appropriate that population groups who are subjected to more conditions that bring about poverty are overly represented in special education services. These poverty-related conditions overlap for many youth and create some very stressful circumstances that lead to poor school performance. However, this does not account for all of the disproportion.

The data on post-school performance is also disheartening. For example, Blacks find fewer jobs when they leave school than White students, and when they do find a job they earn less money. Black students also tend to live less independently post school. Students from low income families enroll in post-secondary vocational training less frequently than students from higher income families. For students with disabilities, the drop-out rate is high—about 58 percent—and there is a very high arrest rate. The data are even more disturbing for students with severe emotional disturbance—about 73 percent either drop out or are arrested. It's a terrible gamble when these students drop out, so we must establish programs that effectively meet their needs.

These facts tell us that the personal efforts and the resources we have put into improving outcomes for disabled children and youth in general and students from minority backgrounds in particular, have still not produced all the results we are looking for. While what we have been doing so far has moved us in the right direction, it has not moved us far enough. So what can we do to make sure that we are providing the kind of support that can help disabled children and youth from minority backgrounds achieve positive outcomes?

Two of the critical issues that we need to address with regard to disproportionate placement are invalid assessment practices and inadequate instruction. No child should be subjected to an educational program that is not accountable and not beneficial.

You are all familiar with some schools, and perhaps some school districts, where the teachers and the principal firmly believe that they are responsible for all students and that all students should be included in typical environments. But I am also sure that you are aware of schools and school districts where they firmly believe that special education should be a separate system and that the school as a whole is not responsible for students with disabilities.

Minority children and youth in the inner city are subjected to separate school experiences that are not accountable and not beneficial more frequently than any other group of students. Providing a good educational program in a typical setting is one of the key issues that we need to address when looking at disproportionate placement. I firmly believe that the Federal government, the state departments of education, school districts, and families should be partners in the process to develop better programs.

In the newly reauthorized IDEA, Congress and the Administration have taken a unique approach to dealing with many of these issues. One of the approaches is through accountability. The reauthorized law requires that children and youth the disabilities be included in district and state-wide assessment procedures. Some students may need accommodations to participate; others may need an alternative assessment, that must be in place by the year 2000.

The reauthorized IDEA also requires the IEP to address access to the general education curriculum, and strengthens the nondiscriminatory assessment requirement. There are some provisions for the flexible use of Part B dollars for programs that benefit students with and without disabilities. In the past, there have been problems when a special education teacher was providing services in an inclusive setting with a general education teacher; the teacher had to be very careful about working with general education students. This problem has been eliminated as long as there are students with disabilities receiving benefits from the services, students without disabilities may also benefit.

Districts will be required to collect placement and discipline data by race and ethnicity in order to look at disproportion among various racial groups. They will also be required to take action on what they find.

Finally, the reauthorized IDEA has provisions for addressing funding incentives. In the past, funding was based on the number of children identified. This encouraged states to count more students as disabled to receive additional Federal dollars. The Federal appropriation for FY97 is $3.1 billion. The year after the appropriation reaches $4.9 billion, the monies will be allocated according to a census and poverty formula, 85 percent census and 15 percent poverty.

In closing, I'd like to say that our charge is to insure that our educational systems value all children and youth with disabilities. We need communities that value all people and encourage minorities and individuals with disabilities to be participants in policymaking and service delivery. We need to have minority students fully integrated with other students at their schools. They should also complete school at the same rate as other students. We need to recognize the parent role in the educational process and make sure that we have supports available for families and children. Let's work on developing one system where all individuals are valued.

Wagner, M., Newman, L., D'Amico, R., Jay, E.D., Butler-Nalin, P., Marder, C., & Cox, R. (1991). *Youth with disabilities: How are they doing? A comprehensive report from wave 1 of the National Longitudinal Transition Study of Special Education Students. Menlo Park,* CA: SRI International.

Table 1

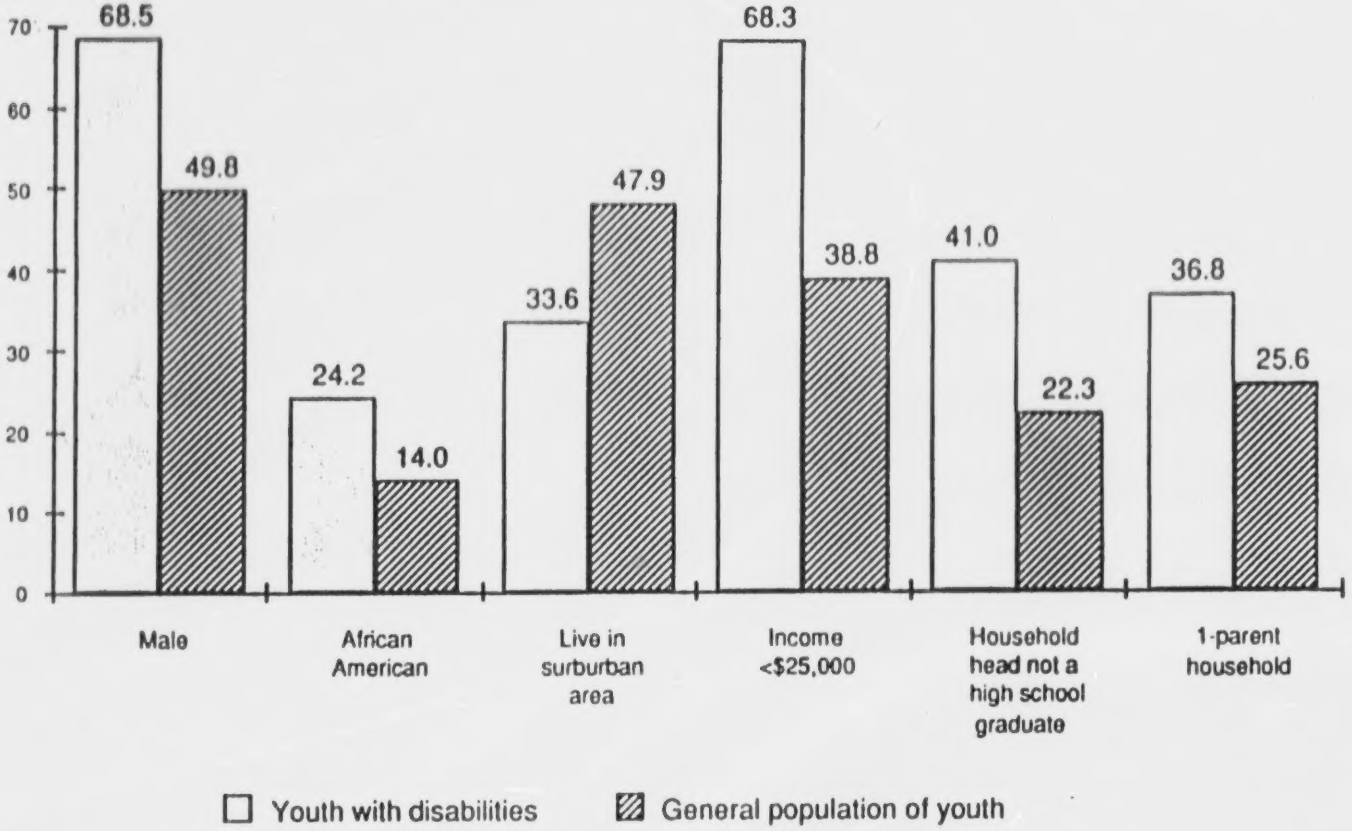
SELECTED DEMOGRAPHIC CHARACTERISTICS OF 15- TO 20-YEAR-OLDS IN THE GENERAL POPULATION AND WITH DISABILITIES

		Youth with Disabilities								
	General Population	All Conditions	Learning Disabled	Emotionally Disturbed	Speech Impaired	Mentally Retarded	Visually Impaired	Deaf	Hard of Hearing	Orthopedically Impaired
Percentage of youth who were:										
Male	51.4***	68.7	73.2	76.1	59.2	57.8	55.6	53.3	52.5	54.1
	(.6)	(1.3)	(1.9)	(2.2)	(3.0)	(2.1)	(3.3)	(3.1)	(3.4)	(3.3)
N	21,006	7,089	984	686	538	954	779	730	703	671
White	73.0***	65.2	67.4	67.3	54.0	60.5	64.2	62.9	64.2	64.5
	(.5)	(1.4)	(2.2)	(2.7)	(3.4)	(2.4)	(3.4)	(3.2)	(3.5)	(3.4)
Black	14.0***	23.9	21.3	24.9	28.1	31.2	24.8	23.7	17.0	17.7
	(.4)	(1.3)	(1.9)	(2.5)	(3.1)	(2.3)	(3.0)	(2.9)	(2.7)	(2.7)
Hispanic	6.2**	8.2	8.4	6.0	14.3	5.8	8.4	9.6	14.3	15.0
	(.3)	(.8)	(1.3)	(1.4)	(2.4)	(1.1)	(2.0)	(2.0)	(2.5)	(2.6)
Other	6.9***	2.7	2.8	1.7	3.6	2.5	2.6	3.8	4.5	2.8
	(.3)	(.5)	(.8)	(.8)	(1.3)	(.8)	(1.1)	(1.3)	(1.5)	(1.2)
N	21,006	6,022	830	567	447	730	677	633	626	597

From: Marder, C., & D'Amico, R. (1992). *How well are youth with disabilities really doing? A comparison of youth with disabilities and youth in general.* (p. 10).Menlo Park, CA: SRI International.

Table 2

DEMOGRAPHIC DIFFERENCES BETWEEN YOUTH WITH DISABILITIES AND THE GENERAL POPULATION OF YOUTH



From: Wagner, M., Blackorby, J., Cameto, R., Hebbeler, K., and Newman, L. (1993). *The transition experiences of young people with disabilities: A summary of findings from the National Longitudinal Transition Study of Special Education Students.* (p. 1-9) Menlo Park, CA: SRI International.

Table 3

DEMOGRAPHIC CHARACTERISTICS OF YOUTH WITH DISABILITIES

	Percentage of Youth with Disabilities Who Are/Have:			
Disability Category	Male	Minority	Family Income Less Than$25,000	Family Head Not High School Graduate
All conditions	**68.5**	**35.0**	**68.3**	**41.0**
Learning disabled	**73.4**	**32.8**	**65.4**	**37.8**
Emotionally disturbed	**76.4**	**32.9**	**70.3**	**43.7**
Mentally retarded	**58.0**	**39.0**	**74.6**	**49.4**
Speech impaired	**59.5**	**45.7**	**70.7**	**46.1**
Visually impaired	**55.6**	**36.4**	**66.4**	**36.6**
Deaf	**54.5**	**37.3**	**66.1**	**33.6**
Hard of hearing	**52.0**	**36.6**	**64.6**	**36.1**
Orthopedically impaired	**54.2**	**36.9**	**67.2**	**32.5**
Other health impaired	**56.0**	**45.8**	**69.1**	**35.6**
Multiply handicapped	**65.4**	**34.4**	**72.7**	**32.4**
Deaf/blind	**49.5**	**33.0**	**66.2**	**38.5**

From: Wagner, M., Blackorby, J., Cameto, R., Hebbeler, K., and Newman, L. (1993). *The transition experiences of young people with disabilities: A summary of findings from the National Longitudinal Transition Study of Special Education Students.* (p. 1-9) Menlo Park, CA: SRI International.

OCR Panel - History and Current Practice

Brenda Wolff - Acting Director of OCR's Philadelphia Office

OCR enforces five civil rights regulations:

1) Title VII - Prohibits discrimination on the basis of race, color, national origin
2) Title IX - Prohibits discrimination on the basis of sex
3) Section 504 - Prohibits discrimination on the basis of disability
4) Americans with Disabilities Act (ADA) - Prohibits discrimination on the basis of disability
5) Age Discrimination Act - Prohibits discrimination on the basis of age

When OCR was reorganized, four priority areas were identified:

1) Disproportionality in special education
2) Access to programs for students who have limited English proficiency
3) Ability grouping and tracking
4) Testing as it is used in educational decisions

OCR's Philadelphia office covers Pennsylvania, Delaware, Maryland, Kentucky, and West Virginia. The New York office covers New York, New Jersey and Puerto Rico. The Boston office covers all of New England.

The Philadelphia office has focused on the first priority area and established two goals: (1) to have a positive impact on students' lives, and (2) to empower students and parents by providing technical assistance and information. Brenda Wolff and Charles Smailer are national facilitators for the first priority area.

A variety of OCR activities in the area of special education have taken place or are in progress. For example:

- The 1982 study by the National Academy of Sciences that resulted in the document entitled, *Placing Children in Special Education: A Strategy for Equity* (Heller, Holtzman & Messick, 1982).
- A national conference was held for OCR staff in September of 1996, entitled *Minorities and Special Education.*
- OCR collaborated on a resource document with Project FORUM at the National Association of State Directors of Special Education (NASDSE) entitled, *Addressing the Disproportionate Representation of Students from Racial And Ethnic Minority Groups in Special Education* (March 1997).
- Sixty investigations are underway nationwide that focus on special education. OCR provides technical assistance (TA) and information in concert with these investigations. OCR makes every effort to complete compliance reviews within a year after they are initiated; however, due to the

amount of information requested, this may not be possible. Monitoring is typically for two or three years.

- OCR is working with State Departments of Education in areas of policy and practice.

In 1992, OCR did a nationwide survey of 3,500 schools which showed that over-representation was a big problem. Sixteen percent of the students in the United States are African Americans, yet 32 percent of those labeled mildly mentally retarded, 30 percent labeled moderately mentally retarded and 22 percent labeled emotionally disturbed are African American. In some instances, up to 74 percent of the African American students were found eligible for special education. This survey made it clear that the translation of guidelines for mental retardation varies from state to state.

In September of 1992, OCR convened a meeting in Washington, D.C. which focused on special education. Among the invited participants were researchers, advocates, and association representatives, in addition to OCR staff. Meeting participants identified the following factors that may contribute to disproportionality:

- Poverty (related to poor pre-natal care, etc.)
- Bias of referring teachers, especially white, middle class teachers
- Conflict between the school and community culture
- Political influences (e.g., concern about high standards)
- Bias of assessment instruments, procedures, or personnel
- Emphasis on I.Q. tests
- Lack of educational resources and pre-referral interventions

Tracey Beers - Staff Attorney in OCR's New York Office

The New York office has focused its review efforts on school districts in large urban areas and districts with a large influx of minority students. The review process includes selecting the district, requesting data on placement, reviewing special education policy and procedures, conducting interviews, meeting with community representatives, and reviewing student files.

Generally speaking, findings indicate over-representation of minority students in the following disability categories: learning disabled, mentally retarded, speech impaired, and emotionally disturbed. Problem areas include:

- Lack of effective and consistent pre-referral processes
- Referral to special education in order to address problems quicker
- Failure to utilize adequate intervention procedures
- Referral of students at the conclusion of the school year
- Placement of students with speech impairments and learning disabilities from minority groups in more restricted environments

OCR tries to identify effective practices and share those. They also work out resolution agreements that are mutually acceptable.

Pre-referral concerns are addressed by identifying at-risk students; developing interventions for these students; evaluating the effectiveness of interventions; training staff in effective identification and intervention procedures, as well as issues related to student diversity; and involving parents in the pre-referral process.

Placement concerns are addressed by developing guidelines for placement in the least restrictive environment (LRE), including analysis of the environment, and developing a plan for movement to LRE.

Concerns about students with limited English proficiency are addressed by performing an objective assessment of English language proficiency, providing English as a Second Language (ESL) instruction before referral for special education, and evaluating the effectiveness of the ESL instruction.

Socio-cultural issues are addressed by analyzing student behavior in the context of their culture, and utilizing outside consultants who are familiar with the student's culture.

OCR is working on ways to determine the effect of OCR interventions on the school district's policy and practice.

Tom Mela - Senior Attorney in OCR's Boston Office

In the Boston office, a team was created to address the issue of disproportionality. This team is working with 15 school districts, and three of those districts were part of the school district panel.

Stamford, Connecticut: OCR worked with Stamford for 30 months and everyone learned a lot. The review involved K through 12 and all disability categories; however, the focus was on African American students labeled *socially emotionally maladjusted* in self-contained classrooms. OCR drafted an agreement, that was accepted by the school district, which included hiring a consultant to analyze the assessment and pre-referral process. They are close to ending the monitoring of the agreement after collecting data and conducting interviews.

Providence, Rhode Island: During the initial OCR contact in Providence, a prima facie case of discrimination was referenced, which set a negative tone. The timing and selection of school districts was critical. The review in Providence focused on African American students with serious emotional disturbance in self-contained classrooms. John Verre (COMPASS, Inc.) was a consultant to Providence. He played a pivotal third party role in coordinating and negotiating a resolution, that involved more input from the school district than in Stamford. More careful consideration of extended year programs was one of the outcomes.

Worcester, Massachusetts: In Worcester the focus was on Hispanic students with behavioral disorders/emotional disturbance in self-contained classrooms. There were three separate schools in Worcester for this population of students. The school district asked OCR for a year to examine the issue. After a year, fewer students were in restrictive settings, however, disproportionality was the same. In this district, the investigation became a compliance activity. The findings and agreement focused on the lack of comparability (students in separate schools did not receive the same academic opportunities and challenges as other students). A consultant was also used in this school district very effectively.

School District Panel - Initiatives and Reactions in Response to OCR Review

The school district panelists were given questions prior to the symposium relating to how OCR conducted its review in the district, the district's experiences (positive and not so positive) working with OCR, and the results for students in the district following the OCR review. Each panelist gave a brief presentation based on the questions. The districts represented on the panel were at various stages in the review, agreement and monitoring process. Some had been working with OCR for years, had agreements in place, and monitoring was in progress; whereas other districts were at much earlier stages. Following are edited summaries of the panelists' presentations.

Dr. Clifford B. Janey - Superintendent, Rochester Public Schools, NY

Brief facts about community and public schools:

- Rochester has moved from being "idea rich and focus poor"
- Diverse and notable business community
- Increase from mild to a severe poverty rate over last 20 years
- 37,153 children in public schools (plus 14, 813 adults & 1,494 preschoolers)
- 5,248 employees
- Diverse student body (60% African American, 20% White, 18% Hispanic, 2% Other)
- Elected board of education
- Focus on literacy (reading & language arts)
- Performance benchmarks in reading, math, and writing

One of the questions for the panelists related to communication with and involvement of parents who have children with a disability. It is important to be reminded of the significance of language, how it affects communication, and how it bears upon the district's capacity to move or change agenda. A parent in attendance at the symposium pointed out that we have been using language such as "disabled students and special education students" rather than "students who have particular needs or unique needs." These statements carry meanings. We have to be extraordinarily careful about the language that we use, even with one another.

People change, in my view, for three different reasons: (1) they want to change—they are desirous of change, (2) they need to change—they feel some obligation to change, or (3) they must change. If we send a message to parents, boards of education, teachers, administrators, and the media that we are doing this [implementing the OCR agreement] because we are obligated to change, it creates a condition that becomes very transparent as you try to advance your agenda. It's not enough to look at this agreement as an obligation; we must make this happen. As we set the stage for implementing the agreement and making a difference, we have to be mindful of what the agreement is all about in terms of spirit.

There are two broad publics that we have to consider. The first is our internal public—teachers, administrators, staff. We must communicate the message that whatever benchmarks or targets are specified in the agreement, they are for all of our students. The exceptions may be certain achievement benchmarks for students with severe disabilities. This message needs to be communicated internally throughout our districts. The second message for our internal public is that this is not a special education enterprise; this is not something that is owned by individuals who have particular training in special education. The responsibility to move forward the agenda rests with general and special education. This is something germane for all of us. Therefore, first we met with all of our principals, who in turn met with their school-based planning teams. We wanted to send a very clear message about the importance of OCR's findings, the district's obligations, and how the agenda would be moved forward.

In terms of our external public, one of the things that we did quickly was look at the agreement as a public engagement document. We wanted the external public to understand how it fit with what was already in place, and how we would refine what was already in place. We wanted there to be an understanding of the need for the findings and the data points associated with the agreement.

We initiated a meeting with the editorial board; we did not wait for them to call us. We sent the board a preliminary agenda and raised some fundamental questions for them to ponder prior to the meeting. In this way, we structured the potential discussion points. We reviewed the actual OCR report and our partnership agreement with the board, and had a discussion about how the agreement fit with the agenda the district had in place.

This strategy was based on the work of Public Agenda and Daniel Yankelovich. Yankelovich talks about three fundamental stages of public engagement. The first stage is awareness. You really want to make sure the public is aware of your intentions and that there is a level of clarity associated with those intentions.

The second stage is resistance. Even though there may be a sense urgency to move forward, there is usually some resistance. Resistance may come from any one of the stakeholders, and you have to be prepared for it. For example, people may not believe the expectations that are embodied in your partnership agreement and may have a difficult time suspending their disbelief that you can actually make good on your pledges. It comes back to letting the public know that this is not about the district using a checklist that bears out compliance, but about significant change.

The third stage is acceptance. Acceptance usually comes in two steps—partial acceptance and, in the final stage, full acceptance. Our challenge is to move from partial acceptance to full acceptance. Partial acceptance is when principals and teachers say they will do this and produce the paper indicating their intentions. Full acceptance means it comes from the heart; it is deep change that has penetrated the district.

Finally, in response to the question "Were the concerns and issues identified by OCR justified?" You must go to your public and say "yes." You cannot leave any room for denial; the district must take full responsibility for the findings. It's not enough to say to the board of education that the district did not do anything legally wrong, even if that is true. You cannot rest on that type of statement because this creates a set of values that will not support a deep change effort.

Randolph Kraft - Director of Pupil Personnel Services, Public Schools of the Tarrytowns, NY

Brief facts about community and public schools:

- Similar to an urban community in many ways
- One third of the community poor, and large upper middle and upper class
- 2200 students in public schools
- Diverse student body - 45% White, 40% Hispanic, 12% Black, 3% Other
- 250 students (11%) receiving special education services

The district's initial reaction to receipt of OCR's letter stating their intention to conduct a review in our district was, as you can imagine, not extremely positive. No school district wants to be audited by accountants and lawyers or spend days extracting information from files, particularly at the time of annual reviews. However, I want to share with you some of the positive aspects of the experience.

We worked with a consultant from Hunter College's Multi-Functional Resource Center, Dr. Migdalia Romero, who asked a group of education leaders and staff to talk about what it is like to work with youngsters who are struggling in school. The group described students who lack previous education experience, who live in one parent families, whose parents have three jobs, who speak a different language, and who live in poverty. After this diverse group of educators finished commenting, Dr. Romero said, "It's interesting, I haven't heard any strengths."

We are very well trained to identify what's wrong with a student. IDEA, reauthorized or not, is based on a medical model where you have to figure out what's wrong with the student. Although the

OCR review process is also geared to identifying what's wrong, as a result of that process, we improved in our ability to focus on what's right or strength-based problem solving.

It has been a big change for us to move more toward strength-based problem solving. It continues to be a major issue. I have met with each of our child study teams this year and I have conducted staff development at various levels. This must be an ongoing staff development topic because it runs against the grain. As a former school psychologist, I could evaluate anyone and find a disability--guaranteed. However, we are not equally proficient at finding strengths. The challenge is to match the student's and family's strengths with what we are able to with the school's resources.

One of the positive outcomes of the OCR process is that we are referring for special education services less often. Instead, we have more creative general education initiatives and more support for such initiatives. There is now more time on everybody's agenda to consider these initiatives at site-based teams, at administrative team meetings, and at staff meetings.

We have begun to move beyond partial compliance or partial acceptance to examine some important issues, such as why so many more boys are referred to special education. And we have reexamined some philosophical and axiomatic beliefs, such as *early intervention is best.* We operate on the belief that it is best to provide children with special education services at a very young age and get them out of special education. The problem is, it doesn't happen this way. Nationwide, we don't have a very impressive record for declassifying youngsters. In our district, we are now more likely to examine how to provide the services that a student needs in a more integrated, more inclusive setting. These kinds of discussions were engendered to an even greater extent by the OCR process, and that I appreciate.

A few words on staff development: I am appalled at the amount of money that education spends on the staff development compared to what private industry spends. We need to push local boards of education and the state departments of education to allocate more funds for staff development. Also, anything that improves the delivery and creative acquisition of staff development is useful. We have been able to do that recently with minimal cost. Staff at OCR helped us connect with a consultant from the Multi-Functional Resource Center at Hunter College, who provided free services. We were also connected with people who consulted with us over the phone. OCR encouraged us to explore other low cost ways of developing our staff, and we were able to do a lot by using capable in-district staff, training staff to train other staff (trainer of trainer model) and accessing regional training centers.

Dr. John Abbott - Director of Pupil Personnel Services, Stamford Public Schools, CT

Brief facts about community and public schools:

- 100,000 people live in Stamford and another 100,000 commute to work there

- Bimodal population with relatively small middle class
- 14, 300 students in the public schools and growing rapidly
- School budget of $121 million
- 65 languages spoken by students in the public schools
- 49% of the students in the recent graduating class were from minority ethnic/racial groups
- Hispanic students are the fastest growing minority group
- 80-90% of the students are bused to school

Approximately 12 percent of the students in the Stamford Public Schools (SPS) have been identified as disabled. In regard to students with disabilities, SPS's relationship with OCR began in 1992. We collected a lot of data, had an on-site visit, exchanged a couple of letters back and forth, and thought we were finished. Then, two and a half years later we received another letter. This began a second investigation that was much more focused. Were OCR's concerns about SPS justified? Yes, absolutely. Other than some procedural items, there was nothing that caught me by surprise.

A major part of the problem can be attributed to a long history of teachers being encouraged to refer to special education those students who acted out in class and were disturbing their teachers and classmates. Such a practice does little to help students and nothing to address the staff development needs of teachers. A common rationale for such a practice in our diverse community was that it was a defense against "white" or "bright" flight of those parents who could afford private schools. Therefore, I was not surprised to find a disproportionate number of Black male students labeled "socially emotionally disturbed."

The superintendent called us all together and said this is a systemic problem. The directors of personnel, affirmative action, and curriculum all sat down and began to address the points outlined in the first draft of the resolution agreement. From that point on, each of us took responsibility for our own particular areas. I focused on the area of special education.

From the "get go" we established a consortium to identify appropriate planning consultants. The Program for Desegregation at Brown University hosted and attended the initial planning meeting. This meeting was also attended by two staff members from NERRC, two from OCR, and two from the Connecticut State Department of Education, in addition to SPS staff. At this meeting, we reviewed resumes and discussed the needs of SPS. Through this process we identified Dr. Joe Cambone from Wheelock College as the lead consult. We also involved other consultants from across the country.

Initially the OCR staff lawyers focused on assessment as the problem area. I disagreed with this focus because we had worked with our staff on the issue of non-biased assessment and knew the pitfalls of assessment. I felt we needed to focus on improving curriculum and instruction for all students in SPS, general and special education, or we would miss the mark. Through discussion, we were able to come to a consensus about the focus of the resolution agreement.

Prior to responding to the resolution agreement, Dr. Cambone and the consultant team did a careful review of the whole service delivery model. This led to further, sometimes heated, discussion with OCR staff because every time the consultant team came up with a recommendation, OCR wanted to add it to the monitoring agreement. This was not acceptable to us because the superintendent and the board of education wanted OCR monitoring to be concluded in two years. This was satisfactorily resolved.

Halfway through the OCR monitoring process, Connecticut revised its statues and changed its definition from Socially Emotionally Maladjusted (SEM) to Seriously Emotionally Disturbed (SED). Connecticut had been using a 1965 definition. The revisions were in part the result of State Department of Education staff involvement in all SPS planning meetings related to the new identification procedures and definition of SED developed with SPS staff and the consultants.

We now collect data, using standardized rating scales, from teachers over a two-year period. One of those scales relates nicely to a social history that a social worker does with the family. There are no secrets kept from the family. We let them know the kinds of behaviors we are observing at school and we get the family's perspective in order to know how the student behaves outside of the six-hour school day. All of our assessments and subsequent discussions are focused on helping staff to understand the relationship that race, ethnic and language differences play in the development of children.

In addition, we developed a check list to operationalize the SED definition. Disruptive and inappropriate behaviors or behaviors that are dangerous to the individual or to others have to be manifested over a 90-day period. During those 90 days there must be a very concrete behavior management plan implemented by support staff and the classroom teacher, as well as documentation of the student's response to that plan. Initially, staff complained that this process would take too much time. After hours of training related to the new procedures, staff said that every student should go through this process. We need to find the time to examine the depth and breath of information on every student who is referred for special education services, rather than use the "shot gun approach" to assessment.

Initially OCR wanted SPS to re-evaluate all Black students in self-contained programs for students with SED. The Black female consultant on the team disagreed strongly with this and was prepared to leave the consulting team. We subsequently agreed to re-evaluate all students with SED programs, beginning with those in self-contained classes. After the new procedures and criteria were applied, about 35 percent of the students were no longer eligible for these programs. However, in a few cases, we let the classifications stand for three to four months to observe the students. This was not a "willy nilly process" and each student was given a lot of support. In the less restrictive placements, a smaller percentage did not meet the new criteria; however, there were changes in classification. For example we found that if a student had a learning problem and was a Black male, he was likely to have the classification SEM. However, after applying the new procedures and criteria for SED, many of these Black males were found to be more appropriately classified as learning disabled (LD). This was a learning experience for all of us.

The data collection method previously employed by the State Department of Education inflated the disproportionality problem in SPS. Students receiving special education services were coded as in either a self-contained program or a resource room, and typically the code reflected the most restrictive setting. However, many students were in self-contained programs only a small portion of the day. Data are now collected differently, but this does not mean that our thorough review of policies and procedures was not necessary.

Our procedures begin with standardized assessments in the areas of cognitive, social and emotional development. A change in this traditional approach involves the use of a standardized behavior rating scale to document student behavior. We selected the Deverux Behavior Checklist because of the recent norming data.

Once we had a mechanism in place for revising our identification procedures and increasing parental participation in the identification process, the consulting team reached out to general education. The team developed a report focusing on *deficit versus difference models*. Then we brought everyone together to discuss how we could change our system.

As a result of disaggregating our student achievement data, we had previously determined that the primary difference between students who were achieving and those who were not was preschool experience. But what was it about the preschool experience? It came back to rich language experience and the social skills necessary to succeed in schools staffed primarily by aging White educators, who tended to be intolerant of differences.

With this information, SPS embarked on five major training programs, all tied directly to the superintendent's goals and objectives. One training program addresses parental involvement. Another, is a program called *First Steps*, developed by the same people who developed the Reading Recovery program that is a system for organizing instruction. Our staff selected oral language as the focus because we believe all learning stems from oral language. Most of us make the mistake of focusing on reading, spelling and writing at the expense of listening and speaking. All pre-k, kindergarten, first and second grade teachers will be trained during the summer of 1997 in *First Steps*.

SPS is also in the process of changing our traditional Child Study Team. We have done an excellent job in the prereferral process, but again that was from a deficit model. These teams will be called Teacher Support Teams. The training emphasizes empowering general education teachers and training them to problem solve prior to making a referral for specialized assessments.

The fourth area is social skills training. Instead of wringing our hands about what the parents and churches may or may not be doing in the area of social skills training, we are developing a systematic plan for teaching these skills in the schools. We are training staffs in each school— general education teacher, special education teacher, speech pathologist, psychologist or social worker and others at the discretion of the principal—using existing materials. We are not reinventing the social skills curriculum because good material is available.

Even with the best training, there will be problem behaviors in the schools. To address these behaviors, we have trained a team of seven people in each school in conflict resolution, including peer mediation. If you have not seen students do peer mediation, I strongly urge you to do so.

Finally, how is SPS paying for all of this? The State Department of Education in Connecticut has been extremely supportive. Also, we have co-mingled funds from Title 1, Drug Free Schools and the operating budget because we are talking about initiatives to make the schools productive and safe for all students. In SPS we don't talk about inclusion anymore, we talk about inclusive schools that include ESL, bilingual, special education and gifted. Our whole focus is on making schools inclusive for all students.

Dr. Pia Durkin - Director of Special Education, Providence Public Schools, RI

Brief facts about community and public schools:

- Diverse city
- Low tax base
- Highly politically-charged city
- School board appointed by the mayor
- 25,000 students in public schools
- $149 million budget
- 40 languages spoken by students
- 42% of students are Hispanic, 23% are Black
- 21% drop out rate
- 3900 students (15.6%) receiving special education services

I am going to share with you some of the strategies that I used as a leader in the Providence Public Schools (PPS) for coping with an OCR investigation. I use the word "coping" deliberately, but not negatively. First, I want to reiterate what others have said. There is never a good time for OCR to come into your district. However, when OCR came to Providence, we had recently completed our OSEP and state department monitoring. In response to those monitoring visits, PPS demonstrated a tremendous effort to come into compliance. Therefore, we were in a good position to work with OCR.

Working in a large city, one of my key leadership tactics is to identify manageable tasks. If a task is not manageable, it will not get done. Therefore, when PPS received the letter from OCR, I asked the superintendent to sit down with me and focus on the concerns/issues identified by OCR. There were many, for example, gifted programs, LEP programs, referral for special education services. We acknowledged up front that PPS had some important problems to tackle. Then we worked closely with OCR staff to identify the "burning issues" and manageable tasks. One major concern was our data management system. We were not tracking referrals by race in PPS and therefore, we were not able to

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examine the broad picture well. Another major concern was the overrepresentation of African American students in programs for students with behavioral problems.

PPS developed an effective problem-solving relationship with OCR, but before this could happen, I had to calm my anxieties about OCR conducting an investigation in our district. I must admit that I initially I had my doubts about developing a positive working relationship with OCR. We worked very hard on keeping an open and direct line of communication with OCR. I was the point person, and any issue that came up during the investigation was directed to me, both from inside PPS and from the OCR team leader. Having a point person facilitated the problem-solving process.

It is important to note, that working with OCR was not just my process. From the beginning, I made it very clear that this was a system issue, but I had to repeat this throughout the process. This repetition was necessary to initiate changes in professional development and prereferral activities. PPS is now working very hard on systems unification, and the initiatives resulting from the resolution agreement are good for all kids, not just a segment of the population that might have behavior disorders. The superintendent has an *all kids agenda*, and it's slowly but effectively being implemented. Our work with OCR became an arm of that agenda.

In order to promote ownership of the OCR-identified issues, and help allay anxieties, I felt it was important to have another voice. Therefore, we hired a consultant, John Verre from COMPASS, Inc. in Jamaica Plain, MA. PPS has two separate resolution agreements with OCR, one relating to special education and the other relating to bilingual education. John worked with both, but today we will focus on the special education agreement.

The OCR investigators were in PPS for one or two weeks and then sporadically after that to observe in classrooms. I was very pleased that the investigators spent a lot of time in our classrooms. They didn't just come in and talk with the teacher, they spent a couple hours observing students and staff on a typical day. Even though we knew we had problems, we openly pointed to the programs we were proud of and wanted OCR staff to observe. We did not want to talk only about statistical significance. We wanted to talk about how to make things better for kids. For example, in our initial meeting with OCR, we talked about a program that I started five years ago, with support from the superintendent, called "Project Return." This program brought students back to the district from out-of-district placements. Most of those students had behavioral disorders. Project Return has had a good success rate because we worked to develop high quality programs for these students in the district, which also reduced the numbers going out of the district.

The OCR investigation began about May 1996 and our resolution agreement is dated August 1996. I think this was a reasonable time frame. The final resolution agreement was the result of many drafts and a lot of time on my part. I believe that the more time and effort a district puts into the agreement process, the more realistic the resolution agreement will be. It is my understanding that in the past, OCR wrote such agreements and handed them to the districts. But if you want this agreement to be a living document, you must invest the time and effort into making it one. Both PPS and OCR learned from the process, PPS about legal issues and OCR about special education issues. There was a lot of give and take and a mutual sense of respect.

Our resolution agreement has very strict timelines. This framework provided structure for me and my staff, and we respect these timelines. If we cannot meet a deadline for some reason, we contact OCR with the specifics and indicate when the obligation will be met. Writing and submitting reports is my responsibility. For PPS, having one point person facilitates the process.

I would like to say a few words about dealing with the press, which is very active in Providence. I had nightmares of headlines such as "Too Many African Americans in Special Education." I spent a lot of time working with the reporter when the resolution agreement was signed and became a public document, helping her understand the data and the agreement. Our data indicated that 23 percent of the African American students in PPS were receiving special education services, whereas only about 16 percent of the total school population was receiving such services. Of those African American students who received special education services, 42 percent were in programs for students with behavioral disorders. Although the data indicated disproportion, OCR found that this was not the result of inequitable treatment, processes or procedures. That was an important point for the reporter and the public to understand. However, the disproportion did point to the need for review of policy and procedures, as well as intensive staff development. By the way, the newspaper headline read: "Partnership Focuses on Special Education" and the article described the resolution agreement and the policy implications for students very appropriately.

Working with OCR can be a very positive experience if the resolution agreement focuses on specific tasks. The experience could be very frustrating if the agreement is amorphous. I see the OCR investigation like a funnel. It starts wide and narrows to the specific tasks. The process is an exchange and learning experience for both parties. I believe that Providence is a better place because of our work with OCR. As a result of the process, PPS developed a task force and we are developing strong elementary programs. (Good programs already exist in the middle and high schools.) I don't believe that would have happened without our resolution agreement and without asking the questions: *What can we do for children who have behavioral disabilities or differences? How can we prevent students from moving to more restrictive settings?*

Ruth Gadbois - Director of Special Education, Worcester Public Schools, MA

Brief facts about community and public schools:

- 170, 000 people live in Worcester
- Population has always been diverse
- 88% of the students in Worcester attend the public schools
- 24,000 students in the public schools
- Serious fiscal plant and spatial problems

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- Voluntary controlled choice at the elementary level; essentially no neighborhood schools
- Minority enrollment ranges from 27-55% in individual schools
- 26% of the total school population is Hispanic
- 17% of the student population is labeled disabled (down 3%)
- 42% of the students receiving special education services are from minority groups
- There is a disproportionately high number of minority students labeled SED

I have been working with OCR for almost three years now. Our compliance review began in June of 1994 and we had a resolution agreement in September 1996.

The first point I want to make it that whenever anything is put into writing, you have to think about how the world is going perceive it. When we were just about finished with negotiations for the resolution agreement, our OCR contact said to me, "How are we going to publicize this? What about the press?" That was perhaps the most anxious moment for me because in Worcester the press is very critical of the public schools.

It is important to note that from Day One I was not alone in addressing the OCR issues. When we received the initial letter from OCR, I had a meeting with our superintendent and he communicated a very clear understanding that the whole system had to change. However, even though it was not my problem, it was my task to manage and sometimes it felt like a second job. Regardless of how the OCR experience is managed, it creates some level of anxiety because everyone has preconceived notions about working on compliance activities.

In order to work through the anxiety, communication is the key. As mentioned by another panelist, communication is facilitated by having one spokesperson for the district who works with OCR. The district and OCR staff come to the table with very different experiences, training, and viewpoints. Because of this, communication isn't easy. At the times we need to communicate the most, we are likely to get a little defensive or have the urge to walk away. This is when we need to stop and remind ourselves that we have a common goal—making things better for kids. I don't think that goal was ever in question during our work with OCR.

The pre-referral issue is an extremely important one that we have addressed as a result of working with OCR. We have to focus on services for all kids. Identification of disabilities should not be our primary concern. In the Worcester Public Schools (WPS) we have a very positive program in place which we are beginning to expand. This is a curriculum-based measurement/problem solving initiative based on a model used in Iowa. What's different about this model is that you don't identify what's wrong with the student until he or she is far from the class norm. Instead you look at that student in comparison to his peers and in regard to the curriculum that is being taught, and you ask what can be done differently. We have had some very positive experiences with this model over the last several years.

My last point is regarding early intervention. Many of the students receiving special education services are there because we didn't teach them to read. If children come to school and no one has talked to them to develop their oral language, we have a major task trying to teach them to read. But if we don't succeed, we have to teach them how to behave. In WPS we are focusing on early intervention and we have several parent-focused programs in place. Out of 24,000 students in WPS, about 900 are in preschool programs, mostly general education preschool programs. It's a matter of investing in system-wide programs that will resolve issues in the long run.

Meanwhile, we have the specifics of the resolution agreement to address. Sometimes there is a conflict. Where should we put our energy? How should we spend our time? I ask OCR to be patient, which they have been. Our agreed-upon timelines turned out to be overly ambitious. Therefore, I cannot emphasize how important it is to set realistic goals for your district. On the other hand, as a result of the agreement with OCR, we were able to make necessary changes more quickly in WPS. We were on the right track, but from the perspective of a former teacher of students with behavior disorders, many changes were necessary that were only slowly being implemented before the resolution agreement.

Summary of Additional Comments Made by Panelists in Response to Audience Questions

- Students should not be labeled as having severe emotional disturbance (SED) if they have had a recent and isolated traumatic event (e.g., divorce, death in the family), if a medical or health problem can adequately explain the problem behavior pattern, or if an inappropriate educational program can adequately explain the problem behavior pattern; however, resources must still be made available to serve these students.

- Put staff resources (e.g., a social worker, additional instructional assistants) in the elementary buildings where the majority of referrals originate, and make resource staff available to all students and teachers in that building once the specific needs of students with disabilities are met.

- Promoting and facilitating multidisciplinary teams, that include general and special education staff, is an effective way to address many problem behaviors and build support in the school. These teams must meet regularly and have common planning time. Many problems can be solved through consultation and collaboration, without the use of outside "experts." However, staff development may be necessary in the area of collaborative teaming approaches.

- There are those students who are not labeled SED, but repeatedly disobey school rules, cause major disruption in the school, and act in an aggressive and/or violent manner. These students are increasingly being placed in alternative educational settings, which are highly segregated in terms of gender and race. This is a problem related to disproportionality in special education that communities must face.

- School districts that want to do a better job educating all students must think very carefully about their goals. For those districts that find themselves in a relationship with OCR, it is important to negotiate these goals explicitly at the outset. OCR will be pushing districts to clearly articulate goals of equal access to high quality educational programs for all students. Currently this is not an explicit goal of many districts. Time spent on writing goals and objectives is an important way for the district to evaluate desired outcomes for students, and the direction of the school system as a whole.

- The reauthorized IDEA and new regulations will increase flexibility in regard to serving students with and without identified disabilities. This is good news because often the funding of full accessability is the biggest challenge.

- OCR should be encouraged to disseminate information about effective models and practices, and put districts in touch with other districts that are having a positive impact on all students.

- It takes a long time to effectively implement necessary change, but OCR can be the impetus for change that may not have happened or may have happened more slowly had the investigation not occurred (e.g., team teaching, collaborative problem solving, pre-referral strategies, interagency collaboration).

- The OCR staff brought a level of consultation and expertise that few districts can afford. The time spent discussing and negotiating critical educational issues with OCR and district staff was valuable time well spent.

- A district's staff development can be expanded by using outside experts and workshops to enhance the skills of a few highly motivated and interested staff. These educators are then in a position to pass on their new skills to others in the district in an economical and efficient manner.

- The district must articulate a commitment to school-based ownership of each and every student, and principals must be supported in their efforts to mobilize all the resources in the school to act on that commitment. This "zero reject policy" requires a certain level of creativity.

- Although OCR staff talked with district staff, one-on-one, about the strengths observed in the district, these strengths were not put into writing. If the compliance issues and the strengths were put into writing, this would set a more positive tone for negotiations.

- It is important to consolidate the application and grant process of programs with similar goals (e.g., Title I, II, IV, and VI) in order to eliminate duplication and identify gaps in services. For example several programs may be doing similar parent training.

- In order to make a difference in the lives of children, we have to change the basic organization of our schools and this is a huge task. But unless we change business as usual, school districts will always find ways of "marginalizing" the most difficult populations.

- Many of the items in the agreement negotiated with OCR had to do with basic equity and access for students with disabilities (e.g., certified physical education teachers, and access to art and music for students in self-contained programs). For many years, we have been giving students with disabilities the message that they are different from the other students who had a broader array of curricular options.

- Transition from one level of the continuum to another or from one type of service (e.g., SED vs. LD) is an issue in need of attention. A student may have had a successful experience in a restrictive setting or one type of program, but moving to a different setting requires support for the student and receiving teacher.

- Staff development is crucial at all levels (administrators, teachers, support staff) in the area of *cultural competence*. A different "mind set" is necessary to: effectively educate students from different cultural, ethnic, and experiential backgrounds; reduce the number of referrals due to these differences, and interact with families in meaningful ways. This is particularly an issue in districts where the school staff is made up of a large percentage of mature White women.

- One approach used by OCR for compliance reviews is the PAR process. This approach centers around forming a partnership with the community. OCR goes into a district and conducts focus groups with parents, community members, teachers, and school administrators to define the issues. After the focus groups, OCR interviews teachers and administrative staff, reviews student files and policy memoranda, and sits with the district to present the issues raised and work out a resolution agreement. The entire process may take place within one week's time. In some instances, an agreement is signed at the end of the week. This is just one approach to doing a compliance review and will not take the place of the original method.

Books recommended by panelist John Verre:

Cambone, Joseph. (1994). *Teaching troubled children: A case study in effective classroom practice.* New York: Teachers College Press. [Especially Chapter 10]

Schmoker, Mike. (1996). *Results: The key to continuous school improvement.* Alexandria, VA: Association for Supervision and Curriculum Development (ASCD). [Especially Chapter 1]

Dr. Patricia Landurand - Literacy Development and the Culturally and Linguistically Diverse Student

Issues and Problems Facing Public Schools

Public school personnel face growing numbers of culturally and linguistically diverse (CLD)[1] students, who lack literacy skills, and are completely dependent on teachers to attain these skills. Today, while many students are sitting in classrooms experiencing the frightening feelings of being preliterate in a literate world, many teachers are also feeling frightened and frustrated because they don't know how to successfully teach diverse preliterate students. What are some key problem areas that need to be addressed in our schools in order to prepare the groundwork necessary to help our teachers successfully facilitate literacy for this population of students?

Awareness of CLD Students' Feelings and Experiences

Teachers are often unaware of the feelings and experiences that CLD students are encountering in classrooms when they: (a) do not understand what is being said by the teacher and other students in the classroom, (b) are being asked to read a book and are not able to understand one word on the page, and (c) are expected to follow commonly understood rules of classroom behavior that are unknown to them. The fact that many teachers are unaware of what these students are experiencing in these circumstances is a major problem that needs to be corrected in order to help CLD students become literate.

Staff development programs that involve school staff in simulations, role plays and scenarios that allow them to experience first hand what CLD students are going through in becoming literate is the first step in encouraging instructional changes for teaching this population of students. Teachers also need to experience what it is to feel cultural conflict in the classroom, as well as what it is to totally misread verbal or non-verbal cues.

Participants in this workshop experienced four simulations designed to help them better understand the reading process and the experiences CLD students go through in trying to become literate in English. They were asked to: (1) read a passage involving a key unknown word for which the participants had no background schema, (2) decode a passage involving made up words that did incorporate the participants background knowledge and phonetic knowledge, (3) read a passage where the letters of the words were written backwards, and (4) write one paragraph for each of two different pictures prompts—the Statue of Liberty and El Moro, a famous fort in Old San Juan, Puerto Rico.

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[1] For purposes of this discussion, CLD is defined as students who are not only culturally and linguistically diverse but who lack the English proficiency to perform ordinary class work in English . These students are still acquiring the English proficiency needed to perform and may also be referred to as Limited English Proficient (LEP), Potentially English Proficient (PEP), English Language Learners (ELL), or English as a Second Language (ESL) learners.

Simulation # 1 - The Hagstrom III

The first simulation, involving an unknown word, highlights the difficulty students will have reading in any language when they don't have the experiences to make sense of the meaning of the word. Participants were asked to read the following passage:

> The Hagstrom III will really catch your eye. It's perky looking in cherry. In black it's wicked and sweet. But it's not very expensive, and in spite of the usual super straight, Hagstrom neck, it does have a few imperfections. Like the old Datsun 510's, it could be a killer with detail work. (Serpa, 1987)

Most participants are unfamiliar with the word Hagstrom III and don't know that it is the name of a guitar. When asked what is the Hagstrom III, they often answer a car. Missing background knowledge, they are not able to derive the meaning of this paragraph. Simulations such as the one are important for educators to experience because teachers often overlook the fact that what appears to be a simple and easily understood story for the English dominant student can be incomprehensible to the CLD learner who is unfamiliar with the context of the story. Too many CLD students are being taught to read using stories in basal readers that make no sense to them, thus they learn to decode words without deriving meaning. They essentially become artificial readers, reading aloud without gaining meaning.

Simulation #2 - The Three Bears

In the second simulation, the participants successfully decode words that have been newly created. Because they are familiar with the story and the context, they demonstrate comprehension. The following passage was given to the participants to read in order to illustrate this important concept:

Da tri bearesse

Uanse apona taime uose tri bearesse,
mama beare, papa beare, a beibe beare.
Leve ene da cauntri niare the floresta.
NAISSE HOUSE! NO MOGAGE.
Uane dei papa, mama ande beibi
goue tuda bitche ande forguete to
logue da dore.
Bai ande bai camesse Gouldiloque.
Chi gara notingue tudu, bate meique trabale.
(Serpa, 1885)

The above passage creates words by utilizing a combination of Portuguese and English phonology and syntax. However, because participants know how to read and are familiar with the well-known story, *Goldilocks and the Three Bears*, they are able to comprehend the story and answer questions asked by the presenter. With little assistance from the presenter, the participants read the following:

The Three Bears

> Once upon a time, there was three bears, papa bear, mama bear, and baby bear. They lived in the country, near the forest. Nice house, no mortgage. One day papa, mama and baby go to the beach and forget to lock the door. Bye and bye comes Goldilocks. She got nothing to do but make trouble.

After the participants answer some simple questions about the passage, it is important that they discuss whether or not they were reading, and reflect and arrive at a definition of reading. Too many participants answer that they are not reading and forget the important point that even though the words are not real words, they derive meaning from the story and thus are reading. Teachers working with CLD students must always keep in mind that reading is a language-based process that uses symbols as a means of communication.

This simulation brings to light the importance of background knowledge for deriving meaning and also illustrates the fact that CLD students who already know how to read in one language do not need to relearn to read in English. They only need to have the background knowledge, understand the vocabulary, and be given minor assistance in breaking the code in order to read for meaning. Too often, CLD students who are fluent in their first language are being instructed in English reading as if they did not know how to read whatsoever.

Simulation #3 - The Apple Tree Story

In the third simulation, participants are given a passage to read whereby each word was written backwards. For example: EHT ELPPA EERT YROTS (The Apple Tree Story). The audience chorally reads the passage deciphering each word. At the end of the story reading, the presenter then quickly removes the passage and asks questions about the meaning of the story. The audience has difficulty answering the most simple fact questions.

This activity is used to illustrate the difficulty CLD students will have in comprehending a passage if they have not had enough opportunity and practice to achieve oral and silent fluency in reading the passage. Too many teachers continue to overlook the importance of using effective fluency techniques to teach reading to CLD learners and continue to assign reading material to CLD students that is at their frustration level. This simulation is useful as a stimulus for discussion in these areas. It is also important in helping teachers differentiate the purpose for reading. Oral reading is a process that is useful for developing fluency and should not be confused with processes for teaching comprehension. Furthermore, teachers need to utilize effective techniques for teaching fluency to CLD learners such as: echo reading, choral reading, repeated reading, and paired reading.

Simulation #4 - The Statue of Liberty and El Moro

The fourth simulation involves the participants in two writing assignments, one involving a familiar topic to most participants in the audience—the Statue of Liberty—and the other involving an unfamiliar topic to many participants—El Moro, an old fort in Old San Juan, Puerto Rico, that also represents to many Puerto Ricans a symbol of independence. Using two pictures as prompts, the audience is asked to write a paragraph for each of the two pictures shown. The presenter asks for volunteers to read their written paragraphs.

A discussion then ensues whereby the participants share their feelings about being asked to write about these two pictures. They discuss the difficulties they experienced when asked to write about an unfamiliar symbol. They also arrive at the conclusion that they perform in a more limited and concrete way when writing about El Moro because they have little, if any, background knowledge about the picture.

The simulation activity is important in emphasizing the danger of arriving at pre-judgements about CLD students' writings and their abilities to abstract and use higher level thinking skills without considering the context within which the students are being asked to perform. Unfortunately, too many CLD students are being compared to English-dominant students and judgments are being made about their performance without any consideration being given to what the students are being asked to do and under what circumstances.

Although many educators contend that the conclusions reached in each of the above four simulations are already familiar to them, it is important that they have the opportunity to experience these activities, reflect on their feelings as they attempt to do the simulations, and follow-up each activity by relating it to their own teaching practices in relation to CLD students. Simulations, such as the four above, should not be circumvented because there is not enough staff development time and school personnel would rather cut to the chase and move directly into methods and techniques for teaching literacy to CLD learners. Experiencing simulations is critical to understanding the prerequisites to effective reading methodologies and is needed to motivate educators to change practices that continue to academically disable CLD students.

Program Models

The following are two program models that have been proven to be effective with CLD students; however; they are not being widely implemented throughout the United States.

Late-Exit Bilingual Program Model: This model allows the CLD student to remain in a bilingual program for five or more years, as needed. The model adheres to the research findings that most CLD students need five to seven years to achieve the English language necessary to do their academic class work in English. Although most CLD students are able to perform in English in highly contextual interpersonal communication areas within two years, they lack the necessary cognitive academic English proficiency necessary to do their academic class work. However, students enrolled in properly administered late-exit programs have a high probability of achieving literacy in both their languages (Cummins, 1984, 1987; Collier, 1988, 1989).

Two-way Bilingual Program Model: In this model, classrooms are comprised of 50 percent English dominant students and 50 percent CLD students. Both groups have the opportunity to become totally proficient in two languages and are taught by a team of two teachers, one using English-as-a-second-language techniques and the other using the CLD students' native language.

The majority of CLD learners are placed in programs that have been proven to be faulty and instructionally ineffective. The following three program models are being widely implemented throughout the United States and are very detrimental to CLD students attaining literacy. Therefore, it is important to understand the role they often play in deterring successful literacy instruction for CLD students.

English Regular Education Programs (Submersion Programs): Two-thirds of all CLD students are placed in regular education classrooms the majority of the day and are being taught by monolingual English teachers who have no skill in teaching content or reading using English-as-a-second-language methods. Furthermore, teachers are not given additional support in their already heterogeneous classrooms in the form of native language tutors, ESL tutors, or specialized ESL material. They are being given responsibility for which they have received no preparation and a context in which they can not succeed. The result is that the students are denied an opportunity to become successfully literate individuals and the teachers are denied the opportunity to be successful facilitators of the students' learning. Both groups experience failure and shame.

ESL Pull-out Model: The most widely used program model for teaching CLD learners is the ESL pull-out model. In this model, the CLD student is in the regular English dominant classroom without any linguistic modifications the majority of the day and is pulled out for ESL tutoring. Because the ESL pull-out model is fragmented, not comprehensive, and not tied to content area instruction, it has consistently proved to be a very ineffective model for teaching English to second language learners. However, it continues to be used widely because it is the least expensive and least complicated model to implement. The fact that its success rate is minimal at best does not seem to deter its continued use as the most widely used model for teaching CLD learners. (Collier, 1989)

Early-Exit Bilingual Model: A third program model hampering CLD students is the *Transitional Bilingual Education (TBE) Model*, also known as the *Early-Exit Model*. In this model the CLD student receives instruction in his/her first language and in English-as-a-second-language. The intention is to have the student move as quickly as possible into English and to replace the first language. Three years is the time allocated for transition in this model. The problem with this program model is that most CLD students who are preliterate require a minimum of five years to attain the English proficiency to academically understand the teacher, read the text, and take the test. Consequently, the majority of CLD students who are transitioned into regular classrooms prior to or at the conclusion of their third year in TBE, fail in the monolingual English classroom and are prime candidates for special education services (Cummins, 1984,1989; Ramirez,1992).

Diverse Populations of CLD Learners

CLD is a general label used to describe a variety of students whose first language is not English and who are still in need of linguistic support in order to succeed in English dominant classrooms. However, within this population, educators need to consider the subpopulations and design programs or alter existing program models in order to specifically address different needs. For example, the newly arrived immigrants need to have programs that help them acculturate to the culture of public schools and the United States. They need to have comprehensive native language and/or ESL programs. However, within this category of newly arrived immigrants are students who are literate and students who are preliterate in their first language. Another factor that needs to be considered is age. Students who are older pre-literate learners need specially designed programs that incorporate their varied experiences, ages, and their different needs for literacy.

A second subcategory of CLD students are those who have been in the U.S. two or more years. These students have attained a certain level of oral proficiency, and the degree to which they are literate in their first language needs to be determined prior to implementing a literacy program.

A third subcategory are CLD students who were born in the United States, but who speak another language at home. Within this category are students who are dominant in English but have another home language, as well as students who predominantly speak their first language and have little, if any, English.

The fourth subcategory that must be considered are migrant students, who fail in most currently implemented program models. Given the magnitude of this population and the need to address the problems that educators have with transiency of migrants, there is a critical need to develop responsive, creative, alternative, literacy programs that recognize and program for mobility factors rather than continue to lament about it.

In order to effectively meet the needs of diverse populations of CLD learners, educators need to divorce politics from sound educational practices and create a number of viable program options for the various populations of CLD students in the United States.

Reading Methodologies

Educators continue to teach reading to CLD students using methodologies that have proven to be unsuccessful with this population. This impedes successful literacy development for CLD students. In too many classrooms across the country, CLD learners are being taught phonics and the mechanics of reading using a decontextual approach. Students are learning to sound out words but do not know the words they are sounding out. Particularly with the realization that many English dominant students need to learn the mechanics of reading and have not been afforded the opportunity to gain these skills because of faulty applications of the whole language methods, educators are encouraging approaches that emphasize reading mechanics. For CLD students, phonics needs to be taught in a meaningful, language experience based context.

Given the improvements that have occurred with literature-based basal readers, many school districts have adopted complete basal series and mandated that all teachers use the same series. For CLD students who lack the necessary background and vocabulary to understand these readers, they are disabled from the start. CLD students never learn to comprehend what they read, when they are automatically placed at a particular level in the basal series without considerations given to the status of their literacy development in their first language, their English oral language development, or their knowledge of reading.

Another error often made with CLD students is assuming that the whole language method is the universal panacea for all learners. Many CLD learners receive whole language instruction without consideration of any cultural and linguistic modifications that need to occur. They are involved in language experience stories that have allowed them to participate in the experience, but have not given them enough practice and repetition to learn the vocabulary and write the story. Furthermore, CLD students participate in shared reading using Big Books and predictable readers, but oftentimes do not understand what they are reading because they have not been taught the vocabulary words using an ESL approach. Teachers assume that the pictures make the text predictable and familiarity with the text will bring meaning. These are faulty assumptions when working with CLD learners. A picture may be worth a thousand words, but it is worth nothing if the student has no experience in which to relate the picture.

Ongoing assessment of CLD students' literacy progress needs to occur, and educators need to interpret and use these findings to evaluate their current programs and guide them in changes if effective literacy methods are to be put into practice.

Prerequisites to Developing Viable Literacy Programs for CLD Students

"The teacher said, 'You can do better.' But how can I do better than my best?" Many CLD students experience the frustration of being told they are not trying hard enough when in reality, they are not given the appropriate instruction to achieve. Too many of these students blame themselves and believe they are at fault or incapable. In other cases, teachers give students mixed messages. For example, in one classroom, the speaker observed a teacher mark seven out of ten sentences wrong and then in a very kind voice told the CLD student he was doing very well. The student turned to his friend and said: "That is a lie, I failed. I am stupid. I have to try harder." How can the above scenarios be avoided? The following suggestions need to be considered:

Take a Different View of Students

CLD preliterate students may be inexperienced in language, but they are not deficient in language. Teachers need to respect students for what they already know and help them respect themselves for what they know and who they are. When CLD students have failed to perform the tasks asked of them and display feelings of inadequacy and frustration, teachers need to assure them that they are worthy and capable students who did what they knew how to do. As facilitators of learning, teachers need to assure CLD students that they are there to teach them and help them do better. Our CLD preliterate students need to be seen as *school dependent rather than students at-risk.* The success or failure of CLD students is highly dependent on how well they are taught in school. Educators put them "at-risk" when they fail to teach them. CLD learners need teachers to act as effective, empowering mediators. For example, when a student does not know an answer, the task of the teacher is to provide enough challenging clues to help the student arrive at the answer. Simply telling the student s/he has the wrong answer is not sufficient.

Understand How Language and Cognitive Abilities Grow

An important condition for literacy development is to have highly contextual classrooms that encourage and inspire reflective and supportive dialog among students and between the student and the teacher. This is important because language and cognitive abilities improve through interaction with others. Classrooms that rely on a transmission model of teaching, whereby the teacher lectures and asks questions and the students' interactions are limited to asking the teacher questions or answering teacher questions, are not conducive environments for CLD students to develop language and thinking. Teachers who ask students if they agree with a particular student response and have students discuss why they agree or don't agree with a response and continue in interactive dialog encourage high level of comprehensible input for CLD learners.

Create a Sense of Need for Literacy

Alba is a ten year old Puerto Rican student in a special education program in Central Falls, Rhode Island. Her special education teacher, after two very difficult years, motivated Alba to read in English and helped her attain a third grade instructional reading level. After Alba proudly read her story aloud to the speaker, she shared the following remark: " I am so happy now. I can read the signs for my mom." Her teacher had found the key to motivating Alba. Alba needed to read to assist her mom in this country.

Other students have also been motivated to become literate for personal reasons. Ida wanted to write a letter to a boy she liked. Joao wanted to pass his driver's test. Miguel wanted to help his father buy a car. Jose wanted to get a job. All these students had different reasons for investing in becoming literate individuals. Their ESL teacher capitalized on these needs to teach them.

Help Students Understand the Different Functions of Language and Uses for Literacy

Students need to understand and experience the different functions of language, as well as the different uses for literacy. Teachers who work with CLD learners can not assume that these students understand the various uses of language required for classroom purposes. For example, as early as first grade, students are expected to know how to use language to ask questions, label, describe events, retell stories, express emotions, socialize, and create. Many CLD learners are totally unfamiliar with some of these widely-used language functions. For example, a child from an authoritarian country most likely would not have a great deal of experience in creative uses of language. This skill could prove to be politically dangerous to those in power. Other students may not feel comfortable using language to express emotions because their cultural group discourages such behavior. Yet other students may have difficulty retelling or recounting stories because they have not been asked to do this within their own families. For example, when asked to retell a story, Marcia giggled and told the teacher that it was silly to have her retell the story because everyone had already read it. Telling it again made no sense to Marcia..

In addition to understanding the functions of language, students need to become familiar with the different literacy uses. For many students who don't have access to literacy in their homes, they need to become proficient in using different literacy genres. Many CLD students have never seen their parents read or write and are unfamiliar with any form of literacy. One young man demonstrated his lack of experience with print, when he responded to a question asked by his teacher in a dialog journal, by writing a full page of text that included: "This is a man," written forty times. The student believed he was doing what the teacher wanted by writing a sentence he had copied from an old ESL workbook that had been given to him. His response showed the teacher that he did not understand the meaning of a dialog journal. Students need to participate and experience a variety of literacy forms in the classroom if they are to be academically successful in school.

Sample Practical Applications Utilizing Important Literacy Principles

Not only do teachers need to tap into personal reasons that CLD students have for becoming literate; but they need to create classrooms where there is a burning need to read and write. For preliterate students, teachers can begin to create literacy rich environments without books. The following examples demonstrate how different teachers are doing this:

- One teacher uses the power of interactive dialog journals to motivate students to become readers and writers. Time is allotted daily for students to dialog in writing to other students in the class or to their teacher.

- Another teacher writes daily riddles on the blackboard and encourages her students to work together to decipher the riddles as well as write their own.

- A third teacher uses a "wall journal" technique. She puts the following headings on four separate pieces of large newsprint: Student Suggestions, What I Liked, What I Didn't Like, and Questions. At any time during the day, students can write or ask someone to help them write on any of the four pieces of newsprint. All contributions must be initialed by the student who offered it. At the end of the day, students share and discuss the questions, suggestions, what they liked, and what they did not like from the newsprint journals. Students who can not read or write ask the teacher or another student to assist. Everyone is included in the literacy activity and motivated to become literate. Literacy activities become a natural occurrence for the students in this classroom.

- In another classroom, students begin their day with a sharing time. The teacher or the student writes on newsprint what s/he shared. Everyone is encouraged to share some experience, idea or information with his/her classmates. The class votes on which comment they would like to discuss further. The students then work in groups writing questions that they want the student who made the comment to answer. As a class, the questions are answered and the answers are written on large newsprint. The connection between meaning, oral language, reading, and writing is instantly there. Language and cognition in an interactive framework takes place, creating the need to discover and the interest in discovering.

- A monthly classroom newspaper is another technique proven to be very effective in encouraging students to work together collaboratively on important literacy activities. In one Portuguese bilingual classroom in Lowell, Massachusetts, students publish a monthly classroom paper and share their paper with their family, school, and community. The students are actively engaged in meaningful writing and have an important need to perform at their best. Pride and a sense of accomplishment all work hand in hand with literacy learning.

Summary

Many educators, faced with the growing populations of CLD students, recognize the need to develop viable, practical literacy programs for a variety of preliterate CLD learners. However, few undertake the courageous process of recognizing and addressing the issues and problems that impede literacy success for CLD learners. This step needs to happen prior to developing meaningful programs based on sound principles for teaching CLD learners. As educators, we have the resources to accomplish this important mission, the question is whether or not we have the will. Are we willing to invest in one of our country's most valuable resources—our culturally and linguistically diverse students?

References:

Collier, V.P. (1989). How long? A synthesis of research on academic achievement in a second language. *TESOL Quarterly, 23,* 309-331.

Collier, V.P. (1989). How quickly can immigrants become proficient in school English? *The Journal of Educational Issues of Language Minority Students, 5,* 26-38.

BEST COPY AVAILABLE

Collier, V.P. (1988). The effect of age on acquisition of a second language for school. *New Focus, 2.* Wheaton, MD: National Clearinghouse for Bilingual Education.

Cummins, J. (1984). *Bilingualism and special education: Issues in assessment and pedagogy.* San Diego, California, College Hill Press.

Cummins, J. (1989). A theoretical framework for bilingual special education. *Exceptional Children, 56*(2), 111-120.

Ramirez, M. (1992, Winter/Spring). Executive summary, final report: Longitudinal study of structured English immersion strategy, early-exit and late-exit transitional bilingual education programs for language-minority children. *Bilingual Research Journal, 16* (1, 2), 1-62.

Serpa, M. (1985). presentation, "Teaching Reading Using a Dual Language Focus", *Multicultural Institute for Change*- Post-Doctoral Faculty OSE Dean's Grant, Regis College, Weston, MA.

Serpa, M. (1987). presentation, "Bilingual Special Education: Issues in Teaching Reading", *Lesley College Multicultural Conference,* Cambridge, MA.

Dr. Beth Harry - Community Involvement and Parent Empowerment

This four-hour workshop had two main foci: (1) the disproportionate representation of minorities in special education programs (trends, interpretations, and unanswered questions), and (2) implications for parental involvement and development of positive ways of working with families.

The morning began with a half hour warm-up during which participants interacted in small groups to identify top priority issues regarding parental empowerment. Participants first listed priority issues from the school district perspective and, next, from the parent perspective. Each group shared its list with the large group. The main points to emerge are presented below.

School personnel tend to:

- Believe that many parents are apathetic and uninterested
- Believe that many families are dysfunctional and unavailable
- See parents as a threat
- Feel pressured by large amounts of paperwork and demands on their time, so they "don't have time" for parent conferences
- Have great difficulty recruiting personnel for programs for students with serious emotional disturbance (SED)

Parents tend to:

- Believe that school personnel do not really want their participation
- Believe their presence at conferences is not really useful
- Feel unwelcome in the schools
- Not understand what's going on in special education

Dr. Harry presented OCR data on the disproportionate representation of various minority groups nationally, and, in selected states. The main points emphasized were (1) national figures are an aggregate of all states—figures for individual states must be examined in order to understand the rates of placement of ethnic minorities in special education programs; and (2) as the population of a minority group increases in a school district or state, there tends to be an increase in overrepresentation of that group in special education programs.

Using overheads, Dr. Harry illustrated the above points by showing the 1992 OCR data for the nation as a whole, as well as for Arizona, Alaska, California, and Hawaii. The figures show that Hispanic students tended to be overrepresented in the disability classifications EMR[2] and MMR in Arizona (Hispanic students are 24% of the total student population vs. 28% & 28% of the students classified as EMR and MMR, respectively), and in California (36% of the total student population vs. 40% & 43% of the students classified as EMR and MMR, respectively). In Alaska, Native American students were overrepresented in the disability classifications EMR and SED (Native American students are 21% of the total student population vs. 62% of the students classified as MMR and 33% of those classified as SED). In Hawaii, Asian/Pacific Islander students were overrepresented in the MMR category (72% of the total student population vs. 80% classified as MMR).

In discussion, Dr. Harry reviewed Ogbu's theory of the experiences of different types of minority groups (Ogbu, 1987). This theory points to the negative experiences and treatment of "indigenous/involuntary" groups as one explanatory factor in the poor school performance of students from these groups. Ogbu's theory also points to the reactions of some minority students against their "caste-like" status in the society. He observes that one manifestation of this is a pattern of "oppositional" behavior, by which students retreat from school values and goals, and, in order to emphasize their ethnic identity, they sometimes exaggerate qualities that they believe are negative stereotypes held by the school and society at large. For example, Dr. Harry explained that it is predominantly students of Native Hawaiian ethnicity who make up the category Asian/Pacific Islanders in Hawaii, a racial/ethnic group of students who are overrepresented in special education programs in that state. These students would be considered a "indigenous/involuntary" group by Ogbu's theory.

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[2] EMR- Educable Mentally Retarded
MMR- Moderately Mentally Retarded
SED- Seriously Emotionally Disturbed

Dr. Harry also presented a graphic framework (derived from Heller, Holtzman, & Messick, 1982) showing the numerous aspects of students' experience that may contribute to special education placement. The model emphasized the need to attend to the quality of students' instruction prior to referral, the referral process itself, the validity of the assessment, the appropriateness of placement in a special education program, and the type of instruction in that program. The model argues that to understand whether or not overrepresentation of a group is problematic, one must first know whether any steps of the process were biased against that group.

The second half of the morning was devoted to information and discussion on parental involvement. Dr. Harry referred to literature and historical beliefs that portray minority parents as being "in deficit". She also presented an overview of what the Individuals with Disabilities Act (IDEA) actually requires in terms of parent participation, and how these requirements are usually implemented. The following legal requirements were discussed:

- Written parental permission for evaluation
- Notification to parents of evaluation results
- Invitation of parents to initial placement conference
- Written parental consent to the IEP document
- Invitation of parents to the annual review conference
- Notification to parents of triennial evaluation

Dr. Harry used an article on a study of parental participation (Harry, Allen, & McLaughlin, 1995) to illustrate how these requirements, when treated in a minimalist manner, can actually result in very little parental participation. The following features of the school-home communication were identified during this study:

- Uniformed written parental consent
- Written notification of intentions and evaluation findings
- Late notices of conferences, with no consideration of parents' schedules
- 15-20 minute time slots for annual review conferences
- Absence of classroom teachers from annual conferences
- Incomprehensible reports from related service personnel
- Absence of related service personnel from annual conferences (especially when these personnel are on a "contract" basis)
- IEP goals pre-set and inflexible
- Placement decisions pre-set and inflexible
- Unexplained meaning of disability categories

Dr. Harry's recommendations for improved school-home communication were:

- Community schools
- PTA's that intentionally include parents of students in special education programs

- School-based advisory committees on special education issues
- Priority given to hiring parents and community members
- Community volunteers to assist in basic liaison tasks (e.g., making phone calls in foreign languages, following up on written notifications)
- Inclusion of parents before the referral is initiated (e.g., classroom observation, quarterly conferences scheduled so that parents can attend)
- Inclusion of parents in the assessment process (e.g., parents' observations, parents' diagnoses/theories of child's problems, parental input on child's strengths, parents' response to the assessment results)
- Inclusion of parents in the IEP process (e.g., preconference discussions, parental input regarding goals, identification of particular goals that parents will address at home)
- Inclusion of parents in conferences (e.g., scheduling for parents' availability, adequate time, parent report listed on the agenda)
- Priority given to classroom teachers' presence and report

Workshop participants' suggestions for improvement were:

- Principals act as parent advocates in conferences
- Other parents act as advocates for student's parents in conferences
- Evaluation reports shared with parents prior to the formal conference
- Professionals try not to abandon their own perspective as "parents"
- Parents given a check-list of typical questions to ask at conferences
- More than one workshop to inform parents of pertinent information (single opportunity is not enough)
- Schools provide "welcoming room" for parents

Eight vignettes depicting parental difficulties in communicating with school personnel were included in the workshop packet. However, due to extensive and animated discussion on previous topics, there was not enough time to do group work on the vignettes, as had been planned. Instead, Dr. Harry read a few of the vignettes to the whole group and invited brief discussion on the main issues. The vignettes can be found in Appendix D.

Dr. Richard A. Figueroa - The Past, Present & Future of Nondiscriminatory Assessment

If psychometric tests had the power of medical tests, cultural and linguistic differences would not get in the way of measuring human traits. From their inception, however, these tests have been culture-bound. They cannot be translated and exported to another country, culture, or language without incurring unknown degrees of error, the attenuation of predictive power, and serious societal consequences.

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Until the mid-1980's, Mexico routinely imported tests developed in the United States. For example, using direct translations and the norms developed on U.S. children, the Wechsler Intelligence Scales for Children (WISC) and the Stanford Binet were treated as objective, scientific instruments. They were used to "diagnose" mental retardation. The "results" produced a negatively skewed normal distribution of intelligence among Mexican children indicating that mental retardation occurred at levels 430 percent higher than in the U.S. population (Gomez-Palacio, & Rangel Hinojosa, 1982, p. 82). When the Mexican version of the WISC-R was developed, this anomaly disappeared, of course, because the WISC-RM was made Mexican culture-bound. This was done by changing a large percent of the verbal subtest items to reflect cultural-linguistic knowledge and, most critically, by re-calibrating the raw scores of the Mexico City norming population of children to yield an average IQ of 100.

In the United States, the democratic ideal of equality has often been interpreted as dogma, or the requirement that everyone must be the same. Psychometric tests have relied on this belief and have been used with impunity on every racial and ethnic group for nearly one hundred years. Cultural-linguistic differences as sources of error, attenuated validity and negative social consequences, found few supporters in the scientific, psychometric literature up until the 1970's.

This occurred in spite of the fact that psychometricians in the 1920's fully acknowledged that the testing of individuals rested on some key assumptions: homogeneity of background experience, and equal chance at learning the content used in the test (Colvin, 1921; Woodrow, 1921). Yet, since the 1920's the distribution of test scores for ethnic groups has been negatively skewed, abnormality rates have been higher, and the societal consequences have been especially severe, particularly in the type of "remedial" educational programs offered and in the stereotypic generalizations often derived from a group's test scores. Italian Americans, for example, were described in the following manner:

> The Italian continues to rank low even on the non-verbal tests.... [noting that the] squalor which is characteristic of the Italian....section, [the researchers speculate that] it seems probable, upon the whole, that inferior environment is an effect at least as much as it is a cause of inferior ability, as the latter is indicated by intelligence tests (Goodenough, 1926, p. 391).

Ironically, non-English cultures and languages in the United States have left an unmistakable imprint on the "scientific" testing literature since the 1920's. This imprint manifests itself in two ways: lower overall group test scores, and high non-verbal test scores relative to verbal test scores (Figueroa, 1990). Early attempts at doing nondiscriminatory assessment relied on this second characteristic of test scores of ethnic groups. Eells tried to use nonverbal "games" to produce a culturally and linguistically nondiscriminatory test (Eells, Davis, Herrick, & Tyler, 1951). However, his new test failed to produce group test scores that were equivalent to those of English-speaking, American groups.

In the 1960's, the federal courts were asked to examine one of the societal negative outcomes of testing minority children: their overrepresentation in classes for the mentally retarded. After Hobsen v. Hansen linked the issues and the language of the Civil Rights movement to the impact of test outcomes, the Larry P. v. Riles and Diana v. State Board of Education cases in California became the prototypes of many subsequent court challenges. These spoke to the bias, discrimination, and denial of equal educational opportunity that tests produce with ethnic children in the public schools of the United States.

Larry P. v. Riles proscribed the use of IQ tests for the diagnosis of mild mental retardation in African American children. The tests were found to be culturally biased. Diana v. State Board of Education proscribed the use of English verbal IQ tests for the diagnosis of mild mental retardation in Mexican American children who spoke Spanish. The tests were found to be linguistically biased. These and other similar court cases generated a great deal of debate in the American psychometric community. The issue of cultural bias was largely "refuted" (Cleary, Humphreys, Kendrick, & Wesman, 1975) insofar as there was little evidence that culture attenuated test reliability or validity. The issue of linguistic bias was largely left untouched, though some strange admissions began to appear:

> The intellectual repertoire of a bilingual child, on the other hand, can only be sampled by testing in both languages, on the basis that the repertoires in the separate languages will rarely overlap completely. Objective psychometric techniques to accomplish this have not been developed, but test administrators should assume that either language score standing alone is undoubtedly an underestimate of the bilingual child's repertoire. (Cleary, Humphreys, Kendrick, & Wesman, 1975, p. 22)

The impact of the court cases, however, became singularly manifested in Public Law 94-142. In 1975, this federal law required "that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so..." Unfortunately, this type of nondiscriminatory assessment was never operationally defined. However, for the courts, nondiscriminatory assessment inherently means assessments that do not produce ethnic, cultural or linguistic disparities in the rates of disabilities such as mild mental retardation. Conversely, for the psychometric community, it has meant equivalent indices of reliability and predictive validity (Neiser et al., 1996).

In 1979, Jane Mercer produced a unique battery of tests specifically aimed at doing nondiscriminatory assessment. *The System of Multicultural Pluralistic Assessment* (SOMPA) (Mercer, 1979) had eleven tests, three assessment models (Medical, Social and Pluralistic) and produced or incorporated 43 scores. An underlying principle for doing nondiscriminatory assessment perhaps inadvertently adopted by SOMPA was: test more where issues of culture and language apply. Others have subsequently followed this guideline, particularly in the elaboration of decision points for the pre-referral process.

SOMPA failed for three reasons. First it failed to demonstrate better predictive power over current standardized tests. Second, even though it could, theoretically, lower overrepresentation rates in special education for Hispanic and African American children by statistically generating Hispanic and African

American IQ's, it produced an acrimonious critique because it did not adhere to the political dogma that we must be equal, that we must be treated equally, and that we must be held to the same normative standards. Third, it never really explored ethnic or linguistic variance. None of the SOMPA tests really looked at cultural differences or accommodated the construct of bilingualism. SOMPA too was culture-bound. Its only real statement about cultural differences was in its Sociocultural Scales where differences were measured as distance from the Anglo American norm.

In the 1980's, nondiscriminatory assessment took two giant, albeit non definitive, steps towards an operational definition. In 1984, the National Academy of Sciences in its *Placing Children in Special Education: A Strategy for Equity* (Heller, Holtzman, & Messick, 1984) made what is essentially a revolutionary recommendation in the area of testing minority children for special education placement. It went back to the original caveats made about testing in the 1920's about homogeneity of background experiences and recommended that before testing a child, the instructional environment had to be tested first to see if there was evidence of curriculum validity and effective curriculum implementation with diverse populations. In effect, the learning context became as important as "individual differences" and it had to demonstrate that it worked equally well for all.

In 1985, the *Standards for Educational and Psychological Testing* (American Educational Research Association et al., 1985) asserted that testing bilingual individuals in English in the United States produced unknown degrees of error. For the first time in the history of psychometrics, bilingualism came to be recognized for its complexity, robustness, and impact on instrumentation and test outcomes. This document essentially said that for individuals who have been significantly exposed to a language other than English, tests in English are biased.

In 1994, Valdes and Figueroa (1994) extended this observation by noting that currently there are no appropriate tests for bilingual individuals. Even if bilingual individuals could be tested with instruments that are truly equivalent in the first and the second language and culture (such tests do not exist), so long as they are compared to a monolingual norm (in the first [L1] and second [L2] language) they are unfairly compared. Bilingual individuals, particularly those who are *circumstantial bilinguals* (those who did not choose to become bilinguals but had to because of life circumstances such as immigration or a home language that was not English), are unique hearer-speakers who cannot be measured against monolingual norms in either L1 or L2.

In the mid-1980's, a type of "progress report" on testing bilingual children in the United States was generated by the work of the federally-funded Handicapped Minority Research Institutes in California and Texas. In a series of important studies, albeit virtually ignored by the psychometric literature (Valdes & Figueroa, 1994, p. 150-152), these Institutes discovered that testing practices with bilingual children were carried out as if psychometric tests were not culture-bound. The children were tested only in English. There was evidence that when diagnostic tests were given to bilingual children in general education classes, 53 percent of them could qualify as learning disabled.

Research in the 1990's (Figueroa, 1991; Figueroa & Garcia, 1994) has extended the precautions about testing bilingual individuals. There is compelling evidence that tests in English may be psychometrically biased against bilingual individuals. What is particularly ironic is that the most biased tests may be the nonverbal ones that have been historically used to measure human traits in individuals who do not speak English. Essentially, data now suggest that such tests, as well as verbal tests, have lower predictive validity for bilingual populations.

It seems clear that research on bilingualism is making considerable inroads towards convincing psychometricians, psychologists and educators that tests are of limited, if not flawed, use with children who speak two languages. The same cannot be said for culture. African American children continue to be overrepresented in special education classes because they continue to be tested without any consideration that cultural differences may be responsible for attenuated scores. In spite of the cultural and linguistic differences that have been so clearly documented by anthropologists in African American communities in the United States, psychometrics continues to rely on the equivalence of reliability and validity indices between Anglo and African American groups as evidence that the tests work similarly for both groups. It is interesting to note, however, that some acknowledgment about possible cultural effects on testing is beginning to appear (Neiser et al., 1996).

What has received very little attention in all this is the fact that tests work very poorly for all groups. At best they account for about 30 percent of the variance of what they are predicting to (Neiser, et al., 1996). Error variance is the most pronounced fact of life for tests. Some of the most important reports on testing and bias (Cleary et al., 1975; Neiser et al., 1996) have repeatedly noted that, at best, a test can predict amounts of up to 30 percent of the criterion variance, leaving 70 percent unexplained or error variance. "Diagnosis," when there is so much error variance, would seem to be questionable, particularly when linguistic and cultural variables may further confound prediction.

As intriguing as these recent findings are, they may not be the most crucial in the evolution of nondiscriminatory assessment. The new, unpublished draft of the *Standards for Educational and Psychological Testing*, as well as researchers (Morison, White, & Feuer, 1996) have recently shifted the argument about test fairness to include the question of *consequential* and *instructional* validities. Consequential validity touches on the social costs to individuals when tests fail to account for the impact of culture and linguistic differences. Instructional validity refers to the utility of tests for helping individuals, particularly children and their teachers, learn more and teach better. To date, tests do not help learning or teaching. In many ways they are antithetical to the entire educational reform movement in the United States since they tend to reduce curricula to a level of reductionism that precludes excellence in both teaching and learning (Corbett & Wilson, 1991; O'Day & Smith, 1993; Shepard & Smith, 1988; Smith & Cohen, 1991).

The portfolio assessment movement, on the other hand, would suggest that good learning and effective teaching may help testing. In rich, optimal instructional contexts, individual differences become very pronounced, perhaps more than they do in tests (Enguidanos, 1997; Ruiz & Enguidanos, 1997; Ruiz & Figueroa, 1995).

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The attempts at making portfolios psychometrically sound are basically misguided. Just as was the case with Piagetian assessments, making portfolios have high reliabilities for the sake of achieving small predictive power misses the whole point of what it means to really look at children in context, over the long term, and while progressively engaging them in more and more complex learning.

After two decades of ambiguity and confusion about the meaning of nondiscriminatory assessment and nearly a century of problems with the "diagnosis" of mild mental disabilities in non-White and non-middle class groups, nondiscriminatory assessment may actually suggest a paradigm shift. It does not mean looking for testing alternatives to IQ or any other test so as to preclude large ethnic and racial disparities in prevalence figures in the mild disabilities. It has been California's experience, for example, that after Larry P. v. Riles proscribed the use of IQ tests with African American children for special education assessment, school districts that used other types of psychometric tests wound up with similar overrepresentation rates. Unless the tests are normed within ethnic populations, representative sampling in norming groups or the use of alternative psychometric tests will not lead to equitable or fair rates of representation in special education categories such as Learning Disabilities or Mental Retardation.

A paradigm shift means several new admissions and a reconstruction of how children should be found eligible for special education services. First, it is necessary to realize that "diagnosis" is not useful (Skrtic, 1991). If it is true that up to 80 percent of the children referred for special education assessment are actually placed in special education, what is the point of doing the testing? Second, it is necessary to admit that tests are too weak, predict too little and are too culture-bound to really help, given the diversity of the United States population (Figueroa & Garcia, 1994). There are simply too many White, Latino, African American, Asian American and Native American children who do not meet the requirement of homogeneity of background experiences when compared to middle class American children. And third, it is time to unleash the potential of school psychologists and speech and language therapists (the most test bound professions in the schools) by freeing them from mechanistic and flawed testing practices (Mehan, Hertweck, & Meihls, 1986). These professionals could make significant educational contributions to the lives of children by helping curricula and pedagogy be effective for all.

The ultimate paradigm shift for nondiscriminatory assessment may reside in simply allowing professional judgment to determine which children are falling behind in their academic development and then placing them in special education. Of course, "special education" would have to become the most effective and powerful pedagogy in the schools. Who would complain if their child was found eligible for a program that was more enriched, accelerated and optimal than even the program for the gifted? Even our current notions about *full inclusion* might be relatively meaningless if special education were special because the instruction was the best (Enguidanos, 1997).

References:

American Educational Research Association, American Psychological Association, & The National Council on Measurement (1985). *Standards for educational and psychological testing.* Washington, DC: American Psychological Association.

Clearly, T.A., Humphreys, L.G., Kendrick, S.A., & Wesman, A. (1975). Educational uses of tests with disadvantaged students. *American Psychologist, 30*,15-40.

Colvin, S.S. (1921). Intelligence and its measurement: A symposium (IV). *Journal of Educational Psychology, 12*, 136-139.

Corbett, H.D. & Wilson, B.L. (1991). *Testing, reform and rebellion.* Norwood, NJ: Ablex.

Diana v. California Board of Education, No. 70-37 (N.D. Cal. 1970).

Eells, K., Davis, A., Havighurst, R.J., Herrick, V.E., & Tyler, R.W. (1951). *Intelligence and cultural differences.* Chicago: University of Chicago Press.

Enguidanos, T. (1997) Linking authenticity and advocacy in assessment to inclusion. *Primary Voices*, August, 1997, pgs. 47-50.

Figueroa, R.A. (1990). Assessment of linguistic minority group children. In C.R. Reynolds & R.W. Kamphaus (Eds.), *Handbook of psychological and educational assessment of children: Vol. I. Intelligence and achievement.* New York: Guilford Press.

Figueroa, R.A., & Garcia, E. (1995). Issues in testing students from culturally and linguistically diverse backgrounds. *Multicultural Education, Fall 1994*, 10-19.

Gomez-Palacio, M., & Rangel Hinojosa, E. (1982). *Estandarizacion de la bateria de pruebas SOMPA en Mexico*, D.F. Mexico City: Secretaria de Educacion Publica.

Goodenough, F.L. (1926). Racial differences in the intelligence of school children. *Journal of Experimental psychology, 9*, 388-397.

Heller, K.A., Holtzman, W.H., & Messick, S. (1982). *Placing children in special education: A strategy for equity.* Washington, D.C.: National Academy Press.

Hobson v. Hansen, 269 F. Supp. 401 (D.C. 1976).

Larry P. v. Riles, 495 F. Supp. 926 (N.D. Cal. 1979).

Mehan, H., Hertweck, H., & Meihls, J.L. (1986). *Handicapping the handicapped.* Palo Alto, CA: Stanford University Press.

Mercer, J. (1979). *The System of Multicultural Pluralistic Assessment.* New York: Psychological Corporation.

Morison, P., White, S.H., & Feuer, M.J. (Eds.). (1996). *The use of IQ tests in special education decision making and planning: Summary of two workshops.* Washington, D.C.: National Academy Press.

Neiser, U., Bodoo, G., Bouchard, T.J., Boykin, A. W., Brody,N. Ceci, S.J., Helpern, D.F. Loehlin, J.C., Perloff, R. Sternberg, R.J.,& Urbina, S. (1996). Intelligence: Knowns and unknowns. *American Psychologist, 51*, 77-101.

O'Day, J.A. & Smith, M. (1993). Systemic school reform and educational opportunity. In S. Fuhrman, (Ed.), *Designing coherent educational policy: Improving the system* (pp. 250-311). Consortium for Policy Research in Education, NJ: Office for Educational Research and Improvement.

Ruiz, N.T., & Figueroa, R.A. (1997). Authenticity and advocacy in assessment: Bilingual students in special education. *Primary and Urban Society*, 27, 46-483.

Ruiz, N.T., & Enguidanos, T. (1997). Authenticity and advocacy in assessment: Bilingual students in special education. *Primary Voices*, August 1997, 35-46.

Ruiz, N.T., & Figueroa, R.A. (1995). Learning handicapped classrooms with Latino students. *Education and Urban Society, 27*, 463-483.

Shepard. L.A. & Smith, M.L. (1988). Escalating academic demand in kindergarten: Counterproductive policies. *Elementary School Journal, 89*, 135-145.

Skrtic, T.M. (1991). The special education paradox: Equity as the way to excellence. *Harvard Educational Review, 61*, 148-206.

Smith, M.L.. & Cohen, M. (1991, September). A national curriculum in the United State? *Educational Leadership, 49*, 74-81.

Valdes, G., & Figueroa, R.A. (1994). *Bilingualism and testing: A special case of bias.* Norwood, NJ: Ablex.

Woodrow, H. (1921). Intelligence and its measurement: A symposium (IV). *Journal of Educational Psychology, 12*, 207-210.

Dr. Nadeen T. Ruiz - Effective Literacy Instruction for Bilingual Students in Special Education

The Optimal Learning Environment (OLE) Project is a program of balanced literacy instruction for students from culturally and linguistically diverse (CLD) backgrounds. From that brief descriptor, it is immediately clear that the OLE Project is somewhat unique among the many literacy programs now available to teachers. In the OLE Project, CLD students are not after-thoughts, they are the focus of the literacy instruction. Consequently, there are OLE classrooms throughout the Southwest and Mexico with high concentrations of Latino, Chinese, African American, and Deaf Students.

There is another unique feature of the OLE Project—its instructional strategies are used by teachers from both general and special education. Though there is currently much discussion about inclusion of students with disabilities, OLE concretely works towards inclusion by bringing together both special and general education teachers to work on effectively teaching all students to read and write well. This built-in collaboration between special and general education increases the possibility that effective teaching will increasingly occur in mainstream classes, whenever possible.

History of the OLE Project - The Medical Model and Reductionism

The roots of the OLE Project are in special education. For some time, we have known that the field of special education is dominated by a certain way of viewing students who do not adequately learn to read and write. This view or paradigm is called the *medical model* (Rueda, 1989). People ascribing to this model assume that if a child is having problems learning to read and write, the child is the source of the problem. They assume that something is wrong with the child, much like having a medical condition like chicken pox. However, instead of overtly medical terms, educators use other labels to describe the problems of struggling students, for example: auditory processing disorder, attention deficit disorder, poor home life, non-English speaker, and so on.

Interestingly, there is an instructional corollary that usually accompanies this blame on the child or child's family—*reductionism* (Poplin, 1988b). Most of us have seen or participated in examples of reductionist teaching. In a nutshell, reductionist teaching takes learning—sometimes very complex learning, such as learning to read—and reduces it to bits and pieces in order to make it more easily learned.

Probably the most important thing that we know about the medical model and reductionist teaching in special education is that it has not been instructionally effective (Skrtic, 1991). Figueroa (1992) has added to this body of knowledge by compiling the results of the California Assessment of Progress (CAP) Test in reading and writing, a state-wide test administered throughout the 80's to over 40,000 students in grades 3, 6 & 8. He found that the students in the Resource Specialist Program (RSP), where the largest number of California special education students are, consistently performed at the Ist and 2nd percentile in both reading and writing on the CAP. Furthermore, there was no improvement as the students got older. Another study showed that if the ethnic minority RSP students were separated out, the scores were one to two standard deviations below the overall RSP mean (Hetch, Badarak, & Mitchell, 1990). Therefore, we know that this paradigm and this way of teaching has not resulted in good progress for students in reading and writing, and lack of progress in these areas is the usual reason given for original referral for special education services.

The Contextual Performance Model and Holistic Constructivism

At the same time that these CAP Scores were being compiled, some very different work in special education was emerging. A number of researchers were looking closely at bilingual students in special education (Echevarria, & McDonough, 1994; Flores, Rueda, & Porter, 1986; Goldman, & Rueda, 1988; Rueda, Betts, & Hami, 1990; Rueda, & Mehan, 1986; Ruiz, 1995a, 1995b; Trueba, 1987; Viera, 1986; Willig, & Swedo, 1987). Interestingly, much of this research was qualitative and long-term (i.e., researchers and teachers spent a long time in bilingual special education classrooms closely observing the teaching and learning processes).

Although these studies took place in very different parts of the country, the findings are strikingly similar. I have reviewed them elsewhere (Ruiz, 1995b), but an investigation carried out more recently echoes the earlier findings (Lopez-Reyna, 1996). In this study, a team of researchers analyzed the literacy events in a self-contained, bilingual special education classroom for students ranging from 7-10 years of age. In the first phase of the study, they found a skill-driven curriculum primarily centered around two activities: reading isolated words/sentences and copying from the board. The researchers then began a plan of intervention changing the classroom orientation to one that emphasized students' background knowledge, their native languages, and opportunities to read and write in an interactive, meaningful context. Results showed that, following the changes, the students made great improvement in knowledge and use of reading strategies, analytical responses to literature, oral initiations and questions, and engagement in literacy activities. The researchers found that the students did not make as much progress in writing, and they speculated that this was because it was difficult to wean the students from their copying routines.

In short, the bilingual students in Lopez-Reyna's study did poorly in reductionist-type instruction occurring before intervention. Yet, they showed marked improvement in language and literacy skills once the instruction changed. Her findings corroborate the results of the other long-term, classroom studies of bilingual special education cited earlier which noted that with a very different kind of instruction, called either *holistic-constructivism* (Poplin, 1988a) or *social constructivism* (but perhaps best known these days as truly balanced literacy instruction), bilingual students in special education began to show accelerated growth in their language and literacy development,

The OLE Project, as well as other literacy projects focusing on bilingual students in general education, began to collect those features and principles of effective literacy instruction for CLD students. The Project branched out from bilingual special education, to the research on second language learning (e.g., Sarah Hudelson and Brian Campbourne) and bilingual education (e.g., Eugene and Erminda Garcia, and Barbara Flores), and generated a list of 12 principles or conditions for effective literacy instruction for bilingual students. (See Table 1.) These conditions are the core of the OLE Project. They help us set up the optimal learning environment, where we see the best of what students can do in language and literacy.

In short, the OLE Project operates within a very different paradigm than traditional special education. When we see students struggling with reading and writing, our immediate thought is that we need to optimize their literacy instruction using the twelve research generated conditions as our guide.

Branching Out to General Education

After its initial start in special education, the OLE Project learned a hard lesson—if it remained solely a special education program, bilingual students in the general education program were sometimes left in very reductionist, ineffective, general education classrooms. In another article we included a letter from some OLE students who were in an accelerated, effective OLE special education classroom (Ruiz & Figueroa, 1995). In the afternoon they were mainstreamed back into to their general classroom, a classroom that was the opposite of an optimal learning environment. The students asked the special education aide, who was assisting them in the classroom, if they could write to their OLE special education teacher. They wanted to ask permission to leave the general education program and go back to where they were reading high-level books and publishing their own stories. They wrote these letters on the sly, placing them in an envelope decorated with a real flower. What is of greater concern is that the general education students from the classroom also approached the special education aide and asked if they could write letters requesting to be part of the OLE special education classroom. This was a very strong message to the OLE Project that optimal literacy lessons are crucial to both special and general education.

Four Phases of the OLE Project

The OLE Project has gone through three phases and is now in its fourth. Phase I involved establishing an up-to-date review of bilingual special education. A set of papers in a special issue of *Exceptional Children* (Fradd, Figueroa, & Correa, 1989) provided a state-of-the-art review of the field. In Phase II, the OLE Project began to study four resource specialist programs in California—two in Northern California and two in Southern California—which incorporated bilingual (Spanish-English) instruction. Essentially, the OLE Project collected baseline data from these programs through classroom videotaping and the gathering of students' work products and cumulative folders. The results of a series

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Table 1.
LEARNING ENVIRONMENTS FOR CULTURALLY AND LINGUISTICALLY DIVERSE STUDENTS IN GENERAL AND SPECIAL EDUCATION

OPTIMAL ENVIRONMENTS	AT-RISK ENVIRONMENTS
Student Choice	Teacher Selection
Student Centered	Prepackaged Materials
Whole-Part-Whole Approach	Fragmented Text (Parts)
Active Student Participation	Student Passivity
Focus on Ideas Before Mechanics	Primacy of Form
Authentic Purpose	Work for Teacher Evaluation
Immersion in Language and Print	Language and Print Impoverished
Teacher and Peer Demonstrations	Teacher Directions
Approximation	"Correct" Behavior from the Beginning
Immediate Response	Letter Grade; Emphasis on Single, Correct Answer
Classrooms as Learning Communities	Individualism
High Expectations	Limitations

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of initial studies showed that seldom were the features of an optimal instructional context, listed in Table 1, incorporated into the classroom. Instead, they tended to be reductionist. For example, teachers chose most of the writing topics and reading books, not all of the activities had a clear link to the students' personal experiences, the purpose of the activities was usually teacher evaluation rather than a real-life function, there was an exclusive emphasis on learning the correct forms of language (spelling and other aspects of language mechanics), and the curriculum was broken down into "bits and pieces" or fragments of text (Ruiz, Rueda, Figueroa, & Boothroyd, 1995).

In Phase III of the Project, OLE research personnel worked intensively with the RSPs. The teachers and instructional assistants began to shift their instruction away from reductionism towards holistic-constructivism. In other words, they began to organize their instruction in research-based ways that created optimal contexts for language and literacy learning. Personnel in the OLE Project followed the course of this shift by videotaping classroom interaction, collecting student work products, and looking at a number of student pre- and post- measures of literacy development. This data collection phase ended in August 1993.

Personnel from the OLE Project have begun to closely analyze the effect of implementing a holistic-constructivist curriculum in RSP classrooms with bilingual students who are labeled leaning disabled. One study emerging from these analyses shows OLE students in the RSP making dramatic gains in reading, even when assessed by an instrument that is highly reductionist (i.e., an individual achievement test) (Figueroa, Ruiz, & Garcia, 1994). In a program where students typically make extremely slow academic progress, as shown by the state-wide achievement data cited earlier (Figueroa, 1992), more than a third of the OLE students demonstrated over two years growth in one year.

In the fourth and current phase, the Project has collaborated with a number of large school districts (e.g., San Francisco, Los Angeles, and San Diego) to disseminate the OLE instructional strategies. To date, the OLE Project has worked with teachers in over 150 schools throughout California, the Southwest, and Mexico. The Project has moved from a special education emphasis to training general education teachers as well. It has produced teacher materials, such as a curriculum guide (Ruiz, García, & Figueroa, 1996), a set of videos explaining the OLE literacy strategies (Ruiz, Figueroa, Sanchez-Boyce, & Johnston, 1996) as well as a wide range of professional articles. Nationally, the OLE Project has come to be recognized as one of the premier reform efforts in special and general education for students from culturally and linguistically diverse backgrounds. The result is a growing group of OLE schools where all teachers work towards optimizing literacy instruction for all students.

References:

Beaumont, C. (1990). *An analysis of IEPs in the OLE classrooms: Baseline phase.* Unpublished manuscript, The OLE Project, Division of Education, University of California at Davis.

Echevarria, J., & McDonough, R. (1994). *Instructional conversations in special education settings: Issues and accommodations.* Educational Practice Report. Washington, DC: National Center for Research on Cultural Diversity and Second Language Learning.

Figueroa, R.A. (1992). *The failure of the special education reductionist paradigm: The unique case of California's Resource Specialist Program.* Santa Cruz, CA: The California Research Institute on Cultural Diversity and Special Education.

Figueroa, R.A., Ruiz, N.T., & García, E. (1994). *The Optimal Learning Environment (OLE) research project in the Los Angeles Unified School District - Reading outcome data* (Report #1). Sacramento, CA: California State University, The OLE Dissemination Project.

Flores, B., Rueda, R., & Porter, B. (1986). Examining assumptions and instructional practices related to the acquisition of literacy with bilingual special education students. In A. Willig, & H. Greenberg (Eds.), *Bilingualism and learning disabilities* (pp. 149-165). New York: American Library.

Fradd, S.H., Figueroa, R.A., & Correa, V.I. (1989). Meeting the multicultural needs of Hispanic students in special education. *Exceptional Children, 56*, 102-103.

Goldman, S.R., & Rueda, R. (1988). Developing writing skills in bilingual exceptional children. *Exceptional Children, 54*, 543- 551.

Hetch, J.B., Badarak, G., & Mitchell, D.E. (1990). *School staff and parent evaluations of California's Resource Specialist Program.* Riverside, CA: California Educational Research Cooperative, University of California at Riverside.

Lopez-Reyna, N.A. (1996). The importance of meaningful contexts in bilingual special education: Moving to whole language. *Learning Disabilities Research and Practice, 11*, 120-131.

Poplin, M.S. (1988a). Holistic/constructivist principles of the teaching/learning process: Implications for the field of learning disabilities. *Journal of Learning Disabilities, 21*, 401-416.

Poplin, M.S. (1988b). The reductionist fallacy in learning disabilities: Replicating the past by reducing the present. *Journal of Learning Disabilities, 21*, 389-400.

Rueda, R. (1989). Defining mild disabilities with language minority students. *Exceptional Children, 56*, 145-152.

Rueda, R., Betts, B., & Hami, A. (1990). *A descriptive analysis of work products in OLE classroom sites. Baseline phase.* Unpublished manuscript, The OLE Project, Division of Education, University of California at Davis.

Rueda, R., & Mehan, H. (1986). Metacognition and passing: Strategic interaction in the lives of students with learning disabilities. *Anthropology and Education Quarterly, 17,* 145-165.

Rueda, R., Ruiz, N.T., & Figueroa, R.A. (1995). Issues in the implementation of innovative instructional strategies. *Multiple Voices for Ethically Exceptional Learners, 1*(l), 12-22.

Ruiz, N.T. (1990). *An analysis of instructional events in the OLE classrooms: Baseline phase.* Unpublished manuscript, The OLE Project, Division of Education, University of California at Davis.

Ruiz, N.T. (1995a). The social construction of ability and disability I: Profile types of Latino children identified as language learning disabled. *Journal of Learning Disabilities, 28,* 476-490.

Ruiz, N.T. (1995b). The social construction of ability and disability I I: Optimal and at-risk lessons in a bilingual special education classroom. *Journal of Learning Disabilities, 28,* 491-502.

Ruiz, N.T., & Figueroa, R.A. (1995). The Optimal Learning Environment Project. *Education in Urban Society, 27,* 463-483.

Ruiz, N.T., Figueroa, R.A., Sanchez-Boyce, M. & Johnston, R. (1997). *The OLE instructional videos* [video]. Sacramento, CA: California Bureau of Publications.

Ruiz, N.T., García, E., & Figueroa, R.A. (1996). *The OLE curriculum guide.* Sacramento, CA: California Bureau of Publications.

Ruiz, N.T., Rueda, R., Figueroa, R.A., & Boothroyd, M. (1995). Bilingual special education teachers' shifting paradigms: Complex responses to educational reform. *Journal of Learning Disabilities, 28,* 622-635.

Skrtic, T.M. (1991). The special education paradox: Equity as the way to excellence. *Harvard Education Review, 61,* 148-206.

Trueba, H.T. (1987). Cultural differences or learning handicaps? Towards an understanding of adjustment processes. In *Schooling language minority youth: Volume III, Proceedings of the University of California Linguistic Minority Research Project Conference* (pp. 45-79). Los Angeles: University of California.

Viera, D.R. (1986). Remediating reading problems in a Hispanic learning disabled child from a psycholinguistic perspective: A case study. In A.C. Willig, & H.F. Greenberg (Eds.), *Bilingualism and learning disabilities.* New York: American Library.

Willig, A.C., & Swedo, J. (1987). *Improving teaching strategies for exceptional Hispanic limited English proficient students: An exploratory study* of task engagement and teaching strategies. Paper presented at the annual meeting of the American Educational Research Association, Washington, DC.

Question & Answer Plenary Session

The panelists responding to audience questions included the four workshop presenters— Richard Figueroa, Beth Harry, Patricia Medeiros Landurand, and Nadeen Ruiz—and Joy Markowitz from Project FORUM at NASDSE. The following synopsis is an edited transcription of the actual session. Minimal editing was done in order to maintain the "flavor" of the Q & A format.

Question: One of the issues not addressed at the symposium is behavior problems and emotional disturbance. In some districts the rate of African American students classified as having emotional disturbance is twice the rate for Whites, male and female. Usually these students are placed in out-of-district private settings, and they rarely return to the district. They drop out of school and often get arrested. What can we do about this?

Dr. Landurand: The reason for this is that many of our programs are inappropriate for diverse students. I can understand why many gifted students act out behaviorally. We need to examine critically the programs and instruction, as well as the attitudes of teachers who work with diverse students. I'm in the schools two to three days a week, and when I see some of the attitudes and instructional programs, I understand how students could feel very frustrated. For certain types of students, particularly males, it's no surprise that they act out. I'm not blaming all teachers and all curricula, but we need to carefully evaluate our instruction and find alternatives to labeling students.

Dr. Ruiz: It is the way we put students into classifications. I've seen too many behavioral checklists that don't take into account the instructional context. What we've found in our work in the OLE Project is that students who have a classification of severe emotional disturbance (SED) make good progress when the instruction, rather than being remedial and disconnected from their lives, allows them to be successful as readers, writers, learners, and speakers. All of a sudden, the incidence of negative behaviors dramatically decreases. It is important to make sure we're looking at the context in which children are being asked to survive in the schools. Often it is the context that puts them at risk.

Dr. Harry: I agree with the importance of looking at the context and instruction. In institutions of higher education (IHEs), we are still replicating the old model that separates learning how to handle students from learning how to teach. You don't see courses where instruction is woven in with behavior management. That's one of the things we need to address at the teacher training level. Young teachers need to understand that the best way to prevent behavior problems is to create an instructional environment with goals and activities that engage students. Then students won't have the need to act out to get attention.

I would also add that family and community involvement is really crucial. I know people point to these students and say they're from dysfunctional families, which sometimes they are. But there are also a lot of students who are being referred for evaluations who are not from dysfunctional families and who, for whatever reason, are acting out in school. Unfortunately, there are few attempts to include parents and establish a good relationship between school and family. Teachers are under a lot of pressure, and they don't want to take the time to sit down with the family to explain what's happening and make suggestions for changes at home. I can't say every family would respond positively to this gesture, but most would. Often the student who is acting out at school is also acting out at home. Parents would like to know what they could do in concert with the teacher.

Dr. Landurand: Every day I see students, particularly junior and senior high students, who are pre-literate or have minimal literacy. These students feel incompetent. They are placed in classes where they don't have to be literate or show any academic competence, such as home economics. Then schools don't have to worry about the fact that students are not literate. It must be horrible to go to school all day, every day, and feel so incompetent. We should look at alternative programs that develop a sense of competency, meaningfulness, and literacy in our students, then change our general education program based on those models. *Band-aiding* our general education program isn't working. Students who can't read or write should be of grave concern to us.

Dr. Figueroa: Helping teachers cope with difficult situations is something that needs to be done with their full participation, as soon as a problem is identified. I suggest you begin with small experiments based on programs that have a track record for being effective. Observe the experiments closely in your local situation, and once you are successful, pour resources into those teachers who are willing to implement the innovations. The small scale local experiment will give you a great deal of information about how to proceed. It will empower the local teachers and make them feel supported. Local school districts have great power and resources, and rather than spending resources on private school placements, districts should try such changes as radical class-size reductions, significant class enrichments, extensive supports for teachers to establish networks, and additional teacher training.

Question: Realizing that we must comply with the law by using nondiscriminatory instruments to assess students with limited English proficiency (LEP), how should we proceed given that you debunked available assessment instruments? What cautions would you give us regarding assessments?

Dr. Figueroa: I've put myself in a corner. The most critical piece of information that I've passed onto you this morning is that there is an emerging amount of evidence that there is psychometric bias against LEP students when using any psychometric test, whether it is in their primary language or in English. This poses horrendous difficulties. The new standards don't acknowledge this, and rightly so, because the data aren't completely in and there aren't substantive studies. What I've gathered since the 20's are a host of about twenty studies that suggest that this might indeed be the case. What do you do?

Frankly, first you must comply with the law as best as you can. One of the things I've learned is that OCR is highly sensitive to any rational process that attempts to be cautious and fair to students with LEP. Even Judge Robert Peckham, who has been branded as a quota seeker, was always willing to hear school districts describe rational, fair efforts at dealing with a difficult process. The other suggestion is that if you have programs in special education that are not dead-end programs, whatever negative that may have happened in the assessment process would be attenuated or shrunk by the enriched instructional process.

The problem with all assessment is that it leads students to what the courts have identified as *dead-end* educational programs. In California, the pullout programs (the most expensive programs in special education) are dead-end educational programs. That's one thing the federal courts historically have worried about: "If we give you the money, show me the achievement." But we haven't been able to demonstrate achievement. In fact, quite the opposite is true. In our own small experiment, the OLE Project, when we enriched the program and students became enthusiastic about what they were doing, the entire faculty of the school tended to follow suit and parents were very supportive. But we were never able to document adequately that degree of support.

Therefore, if you insure that the special education services are effective academically (the courts have given us criteria for that) and that placement in special education programs does not lead to total stagnation (i.e., no mobility out of the program), and there is not a disproportionate number of students from ethnic/racial minority groups in those programs, I doubt that issues related to assessment bias will come back to haunt you. For example, we found that with the OLE Project we can decertify children at about the rate of 400 or 500 percent of the state average, and that translates into a tremendous amount of money. Take, for example, the Los Angeles school district with 50,000 students in special education. If we could get 30 percent of these children back into the general education program that would be a substantial savings.

I'm working with school psychologists in San Francisco to make school psychology an instructionally valid profession. I want teachers to see psychologists as allies in the instructional process rather than professionals who test students, appear at IEP meetings, and are never seen again. The goal is for psychologists to consult with teachers on how to become educational engineers of the instructional environment.

Dr. Landurand: If we know that using standardized assessment instruments leads to dead-end placements, it's inappropriate to use them with this population. We need to systematize the use of a more comprehensive assessment approach that is ecological, looks at the classroom environment, and provides curriculum-based and holistic assessments. It's not hard to assess reading or writing, even in a second language, and figure out where a student stands in relationship to other English proficient students at that particular grade level. But we need to look at the student from another perspective and that takes collaboration. Clinical observation and teamwork are necessary to determine whether there are special education needs or not. These changes won't happen over night, but they are important. We must let go of assessment procedures that don't work.

Question: We've heard about strength-based planning for children, but how do we do strength-based planning for ourselves and our schools?

Dr. Landurand: We must create situations where staff can support each other through problem solving, sharing ideas and commiserating. We need staff development, but not necessarily outside experts. We need to create an affirming environment for professional and personal rejuvenation that starts with support and respect for people.

Dr. Markowitz: We must start from the philosophical premise that we all own all the problems in our schools. From that premise, it is easier to identify our collective strengths and resources, and determine how to build on those strengths and resources. We have a number of projects at NASDSE dealing specifically with professional development issues, and we know that an important part of staff development is engagement—empowering staff to believe that they have the knowledge to work together to solve their own problems.

Dr. Figueroa: Three dimensions—contextualism, constructivism, and enrichment—apply to classrooms and what we offer children, but quite by accident we offered this to teachers also. We helped them enrich their instructional context by providing them with $2,000 in extra materials. We made them constructivist agents by providing training on a two-year cycle based on what the teachers felt they needed. We also did a three or four-day summer institute, followed by bimonthly meetings with consultants. The first year we guided the process, but the second year teachers began to identify their own needs. They became agents of change and they appreciated the opportunity to take over their own professional development.

Question: Some children have had no preschool experience when they enter kindergarten, thus they don't have the same experiences as other children. We're looking for programs/models that are workable for general education students (who are at risk), when Head Start is not an option.

Dr. Ruiz: In our project we work with preschool general education students. They come from homes where the literacy events are different and where there isn't always a direct connection to the literacy occurring in the classroom. When these children walk into our classrooms, they are saturated with print and language. We seek to establish an environment in the preschool classrooms that is literacy laden so that the children have opportunities to make fundamental, meaningful concepts about print, and have the knowledge essential for becoming an independent reader and writer. We are working with parents of children at the preschool level. Parents are the first and most important teachers, and there is a home and community curriculum that the children have learned really well. In addition to creating a literacy-rich environment that builds up concepts about print (so the phonics and other skills can take

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hold), we create a partnership with parents and acknowledge them as co-teachers and sources of information about their children.

Dr. Harry: We tend not to recognize the strengths of families, which is problematic. There is a home "curriculum" that may not match the school curriculum. However, that doesn't mean that it hasn't contributed to the growth of the child. Professionals must tell parents that they respect what the parents have done, and then provide the parents with other things to supplement what's been done at home. We did a study in Baltimore with African American parents of preschool children who were mildly disabled. We had a cohort in general education, too, totaling 44 families. These were working class families, and some on welfare, who were trying hard to get their children into the preschool program. They wanted their children there and they valued what was happening. We found the teachers tended to have little respect for the parents' views of literacy—drill and phonics. The parents didn't have a good background of the contextual framework into which the phonics needed to fit or, if they did, they didn't think that was really literacy. They may have told a lot of stories at home, but they didn't make any connection between literacy and text-based stories.

The parents were annoyed with the teachers because they felt the teachers weren't teaching phonics or any of the basics they had learned in school. They wondered why it should be so different for their kids. The teachers were very impatient with the parents' point of view and didn't take time to explain when the parents would say, "Why don't you do some phonics?" or "My kid doesn't know the first sound in this word, how is he supposed to say the whole word?" More likely the teachers would say to the parents, "Oh, you want to teach him some phonics. You go ahead and teach him, and we'll do what we're doing in school." The parents felt they had nothing to contribute. If the teachers had been willing to spend some time listening, they would have realized some of the strengths of the families, and they might have been able to help parents further develop what they were doing at home.

Dr. Ruiz: Today in my concurrent session we looked at a little girl's progress as documented in her interactive journal. It showed how the little girl started with scribbles and became a conventional writer midway through the first grade. The teacher recalled that when she went to the child's home with her journal, the father chuckled because so many stories were about him. The teacher brought a form that asked the parents to comment on what they were seeing in literacy at home. She noted the comments or the parents wrote them down. This teacher was treating the parents as equal partners and equal teachers. After the meeting, the parents started to send in examples of home literacy.

This teacher went to another family's home where the child was struggling with reading in first grade. She brought out the books and showed the parents the first book with just two words and said to the father, "Your child will be reading the last book in this series, the one with a few paragraphs, but right now Marie is here. I'll show you what I'm doing in the classroom." The teacher modeled a guided reading lesson for the parent. At this point the teacher has done all of the conferences with parents. The parents are sending in notes with brothers and sisters asking how their children are doing, and if they have gone up a level because they know the teacher does assessments every other month. When we acknowledge parents as co-teachers and treat them as colleagues, we see something very different in terms of involvement.

Dr. Figueroa: There is a wonderful program by Luis Moll from the University of Arizona at Tucson, which involves devoting a tremendous amount time extracting the *funds of knowledge* from the home and making them accessible to the classroom. His approaches include teaching children how to become mini anthropologists. They are asked to find out what their fathers and mothers know how to do really well (a kind of survey). Moll began this as student teacher training. Unexpectedly, the teachers got totally *pulled* into the homes, which Moll calls the transformational part of that experience. Teachers began to see parents as valuable sources of information and real funds of knowledge. They stopped seeing the children as lacking readiness skills or from low SES backgrounds, and the language they used to talk about the parents changed dramatically. Moll's work is really *cutting edge* and has had a tremendous impact on how we perceive children's performance in school.

Dr. Landurand: In East Providence, staff has spent many years working with parents on Fridays. They bring parents to school and provide baby-sitting services, or teachers go into the homes to spend time with pre-literate parents helping them tell stories to their children and begin to master the big books.

For many culturally diverse families from other countries, the whole notion of preschool is unfamiliar. Children don't start school until they're seven, eight, or even nine years' old. There needs to be a lot of acculturation for these families because it's viewed as a bad thing to leave your children somewhere where they could be hurt. Parents need to feel comfortable leaving their children at school. You need to have parents help other parents understand the process.

Question: What type of involvement and how much involvement do you really want from parents?

Dr. Harry: This is a wonderful question. It depends on the parent. Not every parent is going to participate in the same way. I am a middle class, highly educated parent who does not participate in PTA meetings. I went to one meeting, but could not bring myself to go back. My son went all the way through high school and now I have a stepson in the fourth grade. I am the same way. I can't bring myself to go to PTA meetings. I'm a member, I send money, but I just can't go to the meetings. For me it's much easier to go to a meeting and talk about my child, because I know how to do that very well. But for so many parents, that's not true. We need to have a very wide range of involvement opportunities for parents. We need to find ways in every school to let parents know that we really want them involved.

In special education we have a little different focus in regard to families because the law requires us to build in parent participation in certain ways. However, if the only time parents come to school or feel wanted at school turns out to be their most horrendous experience of the year, why would they come? For example, if the meetings focus on how poorly their child is doing or parents are told that their child is disabled or there is a lot of discussion using words and terms parents don't understand, these situations don't make parents feel welcome.

Every school staff should make sure it does everything possible to ensure the climate is welcoming, and to provide a wide variety of activities in which parents can participate. For instance, at quarterly report card time the school should set aside time for parent conferences and initiate the parent conferences, as opposed to leaving it up to parents to make the appointment. This lets parents know the school expects them to come. Parents need to be specifically invited to activities (e.g., pot lucks), or asked to do a specific task (e.g., translate something into a different language). There should be many opportunities for people to do whatever it is they're good at doing.

If we set the context for parent participation and make it attractive for parents to participate, there is more of a chance that parents will attend annual reviews and other planning conferences. We must understand that different people will participate to a different extent and in different ways. But if we don't set the climate and context, there will be many people for whom we'll say, "Oh, they won't come to the school."

Dr. Landurand: Parents from different cultural groups may not have been involved in school in their native country or maybe they never went to school themselves. The first step in working with diverse families is to determine their perspective and experience in relation to school. A second step is to ask families to be involved in something for which they have the skills. A parent who can barely read is not going to feel comfortable participating in a crowded meeting about policy or curriculum.

Sometimes we don't realize that what we ask parents to do has a different meaning to them. For example, in a city in Massachusetts families were asked to cook something from their culture to bring to school. One Haitian family cooked a lot and brought in many platters of food. The family had no money for food all week because cooking for the school depleted their funds. The family did not understand that they were to bring only enough for five to ten people. With non-English speaking families, it's hard to communicate when you have no one in the school who speaks the language of the family.

Dr. Harry: I want to add something about the Haitian family. This might have been the very thing that let the family make a statement to the school about what they could do. It may have been the most wonderful thing they did all year. They might have thought the school thought they were nothing. What a way to boost the self-esteem of that family!

Question: We struggle with balancing the need to address skill building in language development with the need to teach students content. How would you respond to this?

Dr. Landurand: Bilingual teachers have an advantage because they work through their first language and can teach the content. ESL teachers are at a disadvantage since they're working on teaching the language but the student is not on the proficiency level to deal with the amount of content that needs to be taught. Therefore, teachers *water down* the content to teach the most essential information. In five or six years you have successful ESL students who are working at a proficiency level equal to English dominant students, yet they have large gaps in content. The bilingual teacher may say, "I want to teach social studies and science in the native language, but I have to get these students out of the bilingual program as fast as I can." That teacher may have neglected math or science or social studies all year because the priority was English. When the ESL student is integrated into English dominant classes, there needs to be consideration given to the content the student brings and lacks. The general education teacher may say, "Where have they been for four years? Why don't they know this?" There must be an integration plan that allows that student to be in the classroom with content gaps and still learn the new content being presented.

Dr. Beth Harry - Approaches to Self Evaluation for School Districts

In this session, Dr. Harry presented an outline of approaches to self-evaluation that could be used by school districts to monitor their special education process. The outline included features that should be observed in five phases of the special education process. All participants had a copy of the outline and, working in groups, they discussed feasibility and current implementation of each feature in their districts. The discussion proceeded through the entire outline, feature by feature, and key responses from each group were shared with the larger group. This format allowed everyone to participate, as well as highlighted responses that were particularly strong or reflected new or challenging issues. The outline of approaches follows:

APPROACHES TO SELF-EVALUATION: SUGGESTED PROCEDURES FOR A PREVENTIVE AND PROACTIVE APPROACH TO SPECIAL EDUCATION PLACEMENT

I. INSTRUCTION PRIOR TO REFERRAL

1. Early Beginnings

   a) *Continuous informal assessment:* Do teachers engage in continuous, informal observation and assessment of students' cognitive and linguistic readiness for the academic tasks usually expected at their grade level?

   b) *Adjustment of curriculum and instruction:* Do teachers readily and continuously modify their curriculum and instructional level to meet the levels and needs of students?

   c) *Assistance to teachers:* Do teachers have ready access to specialists who can assist them in modifying classroom experiences to meet the needs of particular students?

   d) *Home visits or informal discussions with parents:* Do teachers attempt to begin a dialogue with the parents of children who are perceived to be having difficulties adjusting to school? To what extent do teachers attempt to include parents in developing and monitoring behavioral or cognitive goals for students?

e) *Multicultural content and concerns in the curriculum:* Do the curriculum and the instructional approaches systematically reflect the cultural knowledge base of all students and encourage in all students a respectful awareness of different cultures and languages?

2: Pre-referral Interventions

a) *A systematic approach to pre-referral:* Is there a system in place for identifying and evaluating specific interventions for students thought to be at risk of special education placement?

b) *Multiple/varied interventions:* Do teachers explicitly engage in a variety of interventions for students experiencing learning and/or behavioral problems?

c) *Support for multiple interventions:* Do teachers have any specialized training, resources, or support for attempting such interventions? For example, staff development opportunities, consulting social workers, behavioral specialists, speech and language specialists.

d) *Monitoring and evaluating pre-referral approaches:* Is there a committee or individuals in the school responsible for monitoring and evaluating such attempts before the decision is made to refer students for evaluation?

II: ASSESSMENT

1. Assessment Instruments

a) *Accountability for choice of psychological assessment tools:* Are personnel responsible for psychological evaluation procedures accountable for the appropriateness of the assessment tools used with minority or non-English speaking students referred to special education? To whom do they account for their choices?

b) *Accountability for choice of speech and language assessment tools:* Are personnel responsible for speech and language evaluation procedures accountable for the appropriateness of the assessment tools used with non-standard English or non-English speaking students referred to special education? To whom are they accountable for their choices?

c) *Psychological evaluation guidelines for Serious Emotional Disturbance (SED):* Are there clear psychological evaluation guidelines for the assessment of SED?

d) *Procedural guidelines for identifying SED:* Are there clear procedural guidelines for identifying students as having SED?

e) *Psychological evaluation guidelines for MMR:* Are there clear psychological evaluation guidelines for the assessment of Mild Mental Retardation (MMR)?

f) *Procedural guidelines for identifying MMR:* Are there clear procedural guidelines for identifying students as having MMR?

g) *Cultural appropriateness of guidelines:* Do the guidelines for SED and MMR take into account differential cultural experiences of students from minority backgrounds?

2. Personnel Participating in Assessment

a) *Inclusion of parents in assessment process:* To what extent are parents included in the assessment process? For example, through observation of testing, interviews about the student, participation in assessment of adaptive functioning of the student.

b) *Inclusion of teachers or other school personnel:* To what extent are school personnel familiar with the student involved in the assessment process, in order to offer a broader picture of the student?

c) *Tandem testing:* Is tandem testing (more than one professional) used in cases where the usually designated professional has inadequate skills for the particular task? For example, assessing a child who speaks an unfamiliar dialect of English or a foreign language which is unknown to the assessor.

III: PLACEMENT

1. Monitoring and Addressing Overrepresentation Data

a) *Data collection and analysis:* Is there a system in place for collecting and analyzing data, from each school, on the overrepresentation of minority students in special education programs, and their placement in more restrictive environments? How well is the system working?

b) *Addressing reasons for overrepresentation:* Is there a system in place for addressing possible reasons for disproportionate placement when it is observed to be occurring in particular school buildings within the district?

c) *Assisting schools with high rates of overrepresentation:* Is there a system in place for assisting schools known to have high overrepresentation rates?

2. Initial Placement or Change of Placement

a) *Information to students:* When students are being transitioned into special education how are they informed and prepared for the transition? Are there personnel responsible for this process?

b) *Information to parents:* Besides the required written notice of placement, are any attempts made to allow for discussion with parents regarding these decisions?

c) *Least restrictive environment:* Does the placement process ensure that students receive special education services in the least restrictive environment?

3. Annual Review Meetings

a) *Requirements for school personnel participation:* According to state regulations, which personnel are required to be at annual review meetings? In each school, who is responsible to see that these are implemented?

b) *Related services personnel presence:* When itinerant or consultative related services personnel are used (e.g., speech and language specialists, social workers), are they required to be at annual review conferences? What is their mode of reporting to the annual review conference (e.g.: do they confer with school personnel prior to the annual review, send written reports to be read at the conference?)

c) *Teachers' presence:* Are teachers released for participation in annual review meetings?

d) *Parental presence:* To what extent do individual schools observe state regulations for notice to parents of annual review conferences? Who is responsible for ensuring that notices are sent on time and is there any provision for follow-up if parents do not respond to the first notice? What process is used for taking parents' availability into account in scheduling conferences?

e) *Parental participation:* Is the annual conference set up so as to encourage parental understanding and participation? Are there any explicit strategies for including parental point of view in the proceedings of the conference?

f) *Pre-conference discussions with parents:* What attempts are made to schedule pre-conference discussions with parents for purposes such as explaining evaluation results, setting IEP goals, finding out more about perceived problems with the student, or trying to resolve differences in opinion about student classification, services, or placement?

IV. INSTRUCTION IN THE SPECIAL EDUCATION PROGRAM

1. Curriculum and instruction

   a) *Parallel curriculum:* Is there a concerted attempt to provide students in special education programs with a curriculum which parallels that of the regular curriculum, in terms of content, educational goals, and instructional strategies?

   b) *Special education curriculum development:* Who is responsible for curriculum development in special education programs? Does anyone evaluate the relatedness of special and regular education curriculum?

   c) *Teacher collaboration:* If students are receiving resource room services and spend part of their day in the regular classroom, what is the extent of collaboration between their regular and special education teachers?

   d) *IEP's and level of students' work:* Are regular education teachers aware of students' IEPs, and are both sets of teachers aware of the work being done in the separate programs?

2. Exit from Special Education

   a) *Information to students:* When students are being transitioned out of special education how are they informed and prepared for the transition? Are there personnel responsible for this process?

   b) *Information to parents:* Besides the required written notice of change of placement, are any attempts made to allow for discussion with parents regarding these decisions?

   c) *Teacher collaboration:* Do regular and special education teachers and related services personnel collaborate in planning appropriate transition strategies for students returning to the regular education program?

   d) *Monitoring rate of student return to regular education:* Is there a system for monitoring the percentage of students who exit special education programs for return to the regular program?

   e) *Monitoring the rate of student drop-out from special education programs:* Is there a system for monitoring the dropout rate of students in special education programs?

Suggested readings related to Dr. Harry's session on self-assessment can be found in Appendix E.

The following are some comments and questions from participants during the discussion about approaches to self-evaluation:

Instruction Prior to Referral

- There is little support for general education teachers.
- Some pre-referral interventions are available but not consistently and comprehensively; or pre-referral interventions may not be well-structured.
- Administrative support is critical.
- Collaboration with communities is critical for home visits.
- Pre-referral practices vary with the grade level; high schools are problematic.
- There is little support for bi-lingual teachers.

Assessment

- Assessments conducted to determine eligibility take precedence over those which inform instruction.
- It takes time to conduct effective assessments, and time is often not available because of competing priorities.
- Standardized instruments are not normed for different language groups, so they are not valid.
- Can pressure be put on the field to norm the assessments or are we pursuing a direction that is ineffective?
- How can we focus on improving instruction for students rather than rushing to determine eligibility and determine placement?
- Curriculum-based measurement and problem-solving methods are more practical because they involve teachers and parents more effectively, and translate into better instruction.
- Teacher training is critical to improving assessment.
- The current structure of education (e.g., teaching schedules) does not support improved assessment procedures.

Placement

- If we focus on inclusion, use assessment to inform instruction, and provide classroom support, overrepresentation will not be a problem.
- Analysis of placement data can pinpoint teacher and building problems.
- Bi-lingual students are underrepresented in special education programs.
- In meetings where students of color are being discussed, an adult "of color" may be present as well; however, this does not necessarily guarantee familiarity with the culture of that student.
- The "professional mode" seems to take preference over the family or parent perspective.
- Shared understanding is more likely when there is a shared culture, but this does not guarantee connection with parents and families.

Instruction in the Special Education Program

- Special education staff should be involved in writing curriculum for all students.
- One school district offered its example of a document called "IEP at a Glance" which helps teachers and supervisors know what is to be included.
- IEPs can act as restrictive documents if too much attention is paid to monitoring. Using the phrase "not limited to" makes the IEP less restrictive.
- Using native language for instruction versus plunging the student into English-based special education services is frequently debated.
- Can special educators be trained to teach English to students whose native language is not English?
- How do we grapple with teachers who refuse or are reluctant to adapt their teaching to the needs of individual students?

Next Steps for Participating Teams

The final scheduled symposium activity was time for the teams to work together on specifying the steps they will take towards addressing issues related to race, language and special education. The "next steps" of each team can be found in Appendix F. Identifying information has been removed, however, so that teams were free to brainstorm about the "ideal steps" to take without feeling bound by political constraints or commitments to accomplish objectives put in writing. The intent of the exercise was to produce a plan that team members could use as the basis for discussion when they returned to their districts. The most common topics addressed by the next steps were the collection and use of data, and pre-referral issues. Most of the next steps were written in general terms; however, there were also some very specific steps delineated. Following are the most common topics addressed by the next steps, and some examples of steps in each topic area.

✔ *Increase and/or improve collection, analysis, distribution, or use of data for program improvement*
Examples: "Look at data collection system(s)," and "Collect data to determine disproportionate numbers."

✔ *Review and/or improve pre-referral procedures and supports*
Examples: "Continue to strengthen the pre-referral process," "Assess pre-referral process" and "Systematically review by school all students in ESL program to determine need for further supports."

✔ *Review and/or improve staff development activities*
Examples: "Continued staff development," "Analyze results of needs assessment given to 59 districts," and "...incorporate learnings into ...local staff development activities."

- ✔ *Review assessment procedures*
  Examples: "Formalize procedure for assessing students who are LEP...," and "Continue 'contextual' assessment process currently in development."

- ✔ *Improve communication/collaboration with families and community*
  Examples: "Collaborate in developing [document describing] parent roles and responsibilities," and "Special education parent liaison from the parent advisory council to represent individual schools."

- ✔ *Improve instruction*
  Examples: "Provide program for pre-K students who are educationally at risk," and "Improve instruction."

Evaluation of the Symposium

Two methods were used to obtain feedback from the symposium participants: (1) an anonymous written response form and (2) personal interviews. The written response form requested a 1 to 4 ranking of statements and invited open-ended comments. The response form was completed by 40 symposium participants. A team of five interviewers conducted a total of 25 personal interviews; five per interviewer.

Analysis of both sets of evaluation data yielded three broad themes:

- Participants valued "teaming time" the most—time used for sharing, learning from each other, and the chance to dispel the sense of isolation some feel around these issues

- Most respondents agreed that the symposium was information-packed. Although several respondents commented about the massive amount of information to process, which required much time "sitting and listening," they noted that this was necessary and part of the point of the symposium.

- Respondents wrote and spoke with enthusiasm about the potential local follow-up after the symposium. This implies the broader need to maintain the energy and momentum by providing follow-up to ensure a sense of support for teams when they return to their districts.

Three concerns emerged from the evaluation data:

- More than a few respondents cited confusion about why they were invited to the symposium, suggesting the need for clearer communication with invited participants for future such endeavors.

- Several respondents commented about the long first day of sitting and listening, and insufficient interaction between presenters and participants; although many of those acknowledged that there might not have been a better way to deliver so much information.

- The one content issue that emerged was that issues related to students with behavioral/emotional challenges were not specifically addressed. Some commented that this topic area was their primary reason for attending the symposium.

APPENDIX A

Participant List

Regional Symposium on Race, Language
and Special Education
May 19, 20 and 21, 1997
Hartford, Connecticut

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APPENDIX B

Preliminary Opinion Survey for Racial, Cultural and Linguistic Diversity Issues.

Preliminary Opinion Survey for Racial, Cultural, and Linguistics Issues

Please complete this survey by:

- ☐ On a scale of one to four, rate the issue for how critical it is to you personally.
- ☐ When you have finished personally rating all these issues, go back and order them as to their importance for your school district, the highest (1) needing the most immediate attention.

DATA

1) **The district collects data to determine community demographics crucial to school operations.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

2) **The district analyzes district data to determine that there is any disproportional treatment of cultural, linguistic or racial groups.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

EDUCATIONAL PROCESS

3) **The district has a variety of regular education interventions that ensure appropriate support for students with learning difficulties who may not be eligible for special education?**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

4) **The district has a clearly articulated pre-referral process for students experiencing difficulty, but not yet eligible for special education.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

5) **The district has clear, culturally and linguistically appropriate criteria for referring a child for evaluation to determine eligibility for special education.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

6) **The district has established a process that includes a review of cultural or linguistic differences which may contribute to the presenting problem in both the pre-referral and referral stages.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

7) **Culturally appropriate, non-biased assessment processes and instruments are used when determining eligibility for special education.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

8) **Teaching and instructional strategies reflect various learning styles, cultural and linguistic differences, and accommodation to learner characteristics.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

PROFESSIONAL DEVELOPMENT

9) **The district provides professional development opportunities for all staff regarding cultural, racial, and linguistic diversity.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

10) **Professional opportunities are provided to both regular and special education teachers regarding the impact of culture and language on classroom behavior and achievement.**

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

COMMUNICATION WITH PARENTS

11) The district has a process to involve parents in determining the impact of cultural and linguistics differences on students' educational performance.

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

12) All materials given to parents are provided in the language they speak and understand.

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

COMMUNITY INVOLVEMENT

13) The district has established a climate of acceptance of diversity through public pronouncements, group activities, and other collaborative opportunities.

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

14) The district actively uses representation from the community in its public relations and professional development efforts.

High Low
Critical to me personally: 1 2 3 4 School District Rank _____

Please complete this by May 12, 1997, and fax it to (802) 658-7435, attention Karen or mail it to:

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APPENDIX C

Agenda

Regional Symposium on Race, Language
and Special Education
May 19, 20 and 21, 1997
Hartford, Connecticut

AGENDA

Monday, May 19, 1997

9:00 - 10:00 Welcome, Introductions, and Symposium Overview *Ballroom East*

Pamela Kaufmann, Director, Northeast Regional Resource Center

Keynote Speaker - *Dr. Marlene Simon, Program Officer, Office of Special Education Programs, U.S. Department of Education*

This keynote address will describe major issues regarding disproportionate representation of minority students in special education. Aspects of these issues that are being addressed in the reauthorization of the Individuals with Disabilities Education Act are also discussed.

10:00 - 11:30 Office for Civil Rights - History and Current Practice *Ballroom East*

A Panel Presentation, representatives to include:

Tracey Beers, Tom Mela, Brenda Wolff, Office for Civil Rights (OCR) (Tom Mela: Moderator)

School District Representatives:

Dr. John C. Abbott, Director, Pupil Personnel Services Stamford Public Schools, CT

Dr. Pia Durkin, Director of Special Education, Providence, RI

Ruth Gadbois, Director of Special Education, Worcester Public Schools, MA

Dr. Clifford Janey, Superintendent, Rochester Public Schools, Rochester, NY

Randolph Kraft, Director, Pupil Personnel Services, Public Schools of the Tarrytowns, NY

This presentation is an overview of OCR's focus on the issue of disproportionality of minorities in special education, including the history and salient aspects of OCR's review of local school districts on this issue. Participating districts will present a brief summary of their school district's demographics.

11:30 - 12:45 Lunch *Ballroom Center*

112:45 -3:00 Case Studies & Resolution Agreements *Ballroom East*
Ralph D'Amico, Office for Civil Rights, Moderator
School District Representatives:
John Abbott, Pia Durkin, Ruth Gadbois, Clifford Janey, Randolph Kraft
Consultant, *John Verre, Director of Consulting Services, COMPASS, Inc., Jamaica Plain, MA*

Participating school district representatives will outline their district's initiatives and reactions in response to OCR's review.

3:00 - 3:30 Break

3:30 SEA staff and LEA teams meet together by state to process the day and begin to identify issues, concerns

CT- Connecticut B
NJ - Ballroom East
MA - Connecticut A
NY - Connecticut C
RI - PT Barnum
VT Colt Board Room

Tuesday, May 20, 1997

7:30 - 8:00 Convene Continental Breakfast and Introduction to the Day *Ballroom East*

8:15 - 10:15 Four Concurrent Strands: An interactive workshop to focus on:

Literacy Development and the Second Language Learner - *Dr. Patricia Medeiros Landurand, Associate Professor, Department of Special Education, RI College* *Connecticut C*

This presentation will provide participants with practical knowledge of programmatic features and methods that promote success in developing lizteracy in second language learners. The presenter will: 1) demonstrate an understanding of the relationship of literacy development to oral language development; 2) share systematic informal assessment procedures for assessing reading and writing; and 3) explore methods, techniques and materials using a biliteracy development focus for teaching second language learners who are academically at-risk.

Community Involvement and Parent Empowerment *Connecticut B*
Dr. Beth Harry, Associate Professor , Department of Teaching & Learning, University of Miami

This presentation will offer an overall framework for working with families from diverse backgrounds, towards the prevention and alleviation of children's school difficulties. Parental participation in each phase of the special education process will be addressed: pre-referral, referral, assessment, and placement, and exit from special education. Vignettes will be used to stimulate group discussion and application of the principles presented.

The Past, Present and Future of Nondiscriminatory Assessment - *Dr. Richard A. Figueroa, Professor of Education at the University of California at Davis* — *Ballroom East*

This presentation will present the historical antecedents to P.L. 94-142's dictum that testing and assessment procedures must be nondiscriminatory. Particular attention will be given to the two great constructs that have plagued psychometric testing: culture and language (other than English). A contemporary, albeit somewhat controversial, solution or proposal will be discussed.

Effective Literacy Instruction for Bilingual Students in Special Education — *Connecticut A*

Dr. Nadeen Ruiz, Associate Professor of Bilingual Multicultural Education, California State University, Sacramento, CA

There is an important body of qualitative studies of bilingual students in special education classrooms. Based on these studies, the Optimal Learning Environment (OLE) Project helps teachers construct effective language and literacy lessons for academically struggling students in both general and special education. This presentation reviews the research base for the OLE Project and provides hands-on experience with its instructional and assessment strategies.

10:15 - 10:30 Break

10:30 - 12:30 Strands Continue *(same breakout rooms)*

12:30 - 1:45 Lunch

1:45 - 3:30 Team Meeting Session — *TBA*

Each local school district team meets to continue the planning process

generate questions for the next Plenary Session

3:30 - 3:50 Break

3:50 - 5:00 Plenary Session - *Pamela Kaufmann, Moderator* — *Ballroom East*

Joy Markowitz, Project FORUM of NASDSE and Strand Presenters

a) Team presentation of progress and questions
b) Panel response to questions raised by teams

Wednesday, May 21, 1997

7:30 - 8:00 Continental Breakfast *Ballroom East*

8:00 - 8:15 Convene for an Introduction to the Day *Ballroom East*

8:15 - 9:15 Approaches to Self-Evaluation

Dr. Beth Harry

This presentation will outline guidelines for SEA's and LEA's to use in evaluating and monitoring the entire process of special education placement. All phases of the process will be addressed: from pre-referral through referral and assessment, to placement in, and exit from, special education programs

9:15 - 9:30 Break

9:30 - 11:30 SEA Staff and LEA Teams Meet Together by State to:

- Prioritize areas of focus
- Identify Technical Assistance and follow-up needs
- Discuss next steps

CT - Connecticut B
NJ - Ballroom East
NY- Connecticut C
RI - PT Barnum
MA - Connecticut A
VT - Colt Board Room

11:30 - 12:15 Team Summaries and Closing Remarks *Ballroom East*

APPENDIX D

Presenters - Brief Biographical Sketches

Presenters - Brief Biographical Sketches

Dr. John Abbott is Director of Pupil Personnel Services for Stamford Public Schools in Connecticut. He holds degrees in Special Education and Educational Psychology from Penn State University and has served as a teacher and program director for more than thirty years. Dr. Abbott is co-author of a textbook entitled *Educational Diagnosis and Prescriptive Teaching* and has published numerous journal articles.

Tracey R. Beers is a Compliance Team Attorney at the New York office of the U.S. Department of Education, Office for Civil Rights. She received a Bachelor of Arts degree in Psychology from Stanford University and a Juris Doctor from Georgetown University. In her capacity as team attorney, she has provided legal guidance on several compliance reviews involving the issue of minorities in special education.

Ralph D'Amico is a Team Leader at the Boston Office for Civil Rights, U.S. Department of Education, where he is responsible for a major initiative of the Assistant Secretary for Civil Rights concerning minority students and special education. A graduate of the State University of New York at Buffalo, Mr. D'Amico has been actively engaged in civil rights for twenty-five years. He has published several research articles on civil rights compliance and presented numerous training workshops on disability, race and gender sensitivity, and improving retention efforts for minority students. Mr. D'Amico recently served as Chairperson of a national team of experts on testing, assessment and admissions which was appointed to study current policy and compliance issues.

Dr. Pia Durkin is Special Education Director of Providence Public Schools in Rhode Island. Prior to her work in Providence, she served within the New York City school system for 20 years as a teacher, staff development coordinator, and school-based supervisor of special education programs. She is an active member of the Urban Special Education Leadership Collaborative and has served as a facilitator for the last three years at the Institute on Critical Issues in Urban Special Education at the Harvard Graduate School of Education. Dr. Durkin's interests include developing inclusive programs for the most behaviorally challenged student and how special education changes within a school district can benefit all students within the system. She received her doctorate in Special Education from New York University in 1990.

Dr. Richard A. Figueroa is Professor of Education at the University of California at Davis. His research has concentrated on two areas: psychological testing of minority children and the education of students labeled "learning handicapped." In his most recent book, *Bilingualism and Testing: A Special Case of Bias*, Dr. Figueroa and Dr. Guadalupe Valdes demonstrate how tests and testing are biased against bilingual individuals. In his current research program, he and his colleagues are investigating why the Reductionist pedagogical paradigm for learning disabled, bilingual pupils does not work; and how a Holistic-Constructivist paradigm might "cure" learning disabilities with bilingual children and help to deconstruct the special education system.

Ruth Gadbois began her career in education as a teacher of students with emotional and behavioral disabilities. She was an Evaluation Team Chairperson and the Coordinator of Team Evaluations for the Worcester Public Schools prior to her appointment as Director of Special Education in Worcester, Massachusetts. Her educational background includes a Certificate of Advanced Graduate

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Study in Educational Administration. Ms. Gadbois is currently managing a resolution agreement with the Office of Civil Rights.

Dr. Beth Harry holds a Ph.D. in Special Education from Syracuse University. Formerly at the University of Maryland, she is now Associate Professor in the Department of Teaching and Learning at the University of Miami. Dr. Harry's research and teaching focus on the needs of families from diverse cultural backgrounds, and on multicultural aspects of special educational placement. Dr. Harry came into special education as a parent of a child with a disability.

Dr. Clifford B. Janey, as Superintendent of Schools for the Rochester City School District in New York, leads a diverse school system of more than 55,000 students and 5,000 employees, and manages an annual budget of more than $381 million. Dr. Janey began his career in education as Director of Black Studies at Northeastern University in Boston before beginning a 21-year career with the Boston Public Schools, first as a reading teacher and finally as Chief Academic Officer for the 62,000 student system. His Doctorate from Boston University is in Educational Policy Planning and Administration with a minor in Health Policy and Administration. Dr. Janey has taken advanced courses in arbitration, negotiation, and collective bargaining at the Labor Relations Institute at Cornell University and in policy analysis, labor relations, and financial management at Harvard University's Business School.

Pamela Kaufmann is Director of the Northeast Regional Resource Center, one of six special education resource centers in the country charged with providing technical assistance to State Departments of Education. She was with the Massachusetts Department of Education for nineteen years, and served as their State Director for Special Education. She has received several honors, including the Manual Carbello award for excellence in state service, and has been involved with various national task forces on special education policy issues.

Randolph Kraft is Director of Pupil Personnel Services for the Public Schools of the Tarrytowns in New York, a position he has held for thirteen years. He is responsible for supervision of special education, health services, psychological services, social work services and speech/language services. Mr. Kraft has extensive experience in staff development, group work and consultation as well as two years' experience setting up and coordinating ESL/Bilingual Services. He served as a school psychologist for eleven years and was also a second grade teacher.

Dr. Patricia Medeiros-Landurand is an Associate Professor in the Department of Special Education at Rhode Island College and president of her own consulting company, Medeiros-Landurand Associates. For the past three years, she has directed a Rhode Island Comprehensive System of Personnel Development (CSPD) multicultural faculty development grant. Dr. Medeiros-Landurand also serves as the training coordinator for the Massachusetts CSPD Special Education for Culturally and Linguistically Diverse Exceptional Learners program. She has worked in education at all levels for the past thirty years and holds advanced degrees in bilingual/special education, regular education, cross-cultural counseling, sociology of ethnic groups and administration.

Thomas Mela is Senior Special Projects Attorney at the Boston office of the U.S. Department of Education's Office for Civil Rights. He is an Adjunct Professor at Boston College Law School where he teaches *Civil Rights & Liberties in Public Schools*. Previously, Mr. Mela was General Counsel of the Commonwealth of Massachusetts Office for Children, and Director of Litigation at the Massachusetts Advocacy Center. He is a graduate of Harvard Law School and Tufts University.

Dr. Nadeen T. Ruiz is Associate Professor of Bilingual Multicultural Education at California State University, Sacramento. Her research has concentrated on language and literacy development of bilingual children in general and special education, and of children who are deaf. Currently, she co-directs the Optimal Learning Environment (OLE) Project, a program of research-based, literacy instruction for culturally and linguistically diverse students in both general and special education.

Dr. Marlene Simon completed her Ph.D. at the University of California at Berkeley and is currently a Senior Project Officer in the Office of Special Education Programs, U.S. Department of Education. Prior to her work with OSEP, she worked with the California Research Institute at San Francisco State University conducting studies on community-based instructional programs and inclusion. She also worked with the National Transition Network at the University of Minnesota where she focused on implementing community-based vocational programs consistent with the Fair Labor Standards Act.

John Verre is Director of Consulting Services at COMPASS, Inc., a community-based multi-service agency in Boston. He heads a team of consultants who provide technical assistance to public school districts on a range of issues relating to at-risk students and their families. Since 1993 he has been the Co-Director of the Institute on Critical Issues in Urban Special Education at Harvard Graduate School of Education. Mr. Verre is a doctoral student in the Administration, Planning, and Social Policy Program at Harvard and has served as the Co-Chair of the Harvard Educational Review. He was the founder-director of The McKinley Schools, a network of special schools and programs in the Boston Public Schools.

Brenda Wolff is Acting Director of the U.S. Department of Education's Philadelphia Office for Civil Rights. She is a graduate of Smith College and Suffolk University Law School and has been an attorney with the Department since 1985. Her responsibilities include managing the enforcement program which ensures civil rights compliance by recipients of Federal funds through the conduct of complaint investigations and proactive compliance activities. She is a member of the American Bar Association, the NAACP, and the Board of Counselors at Smith College.

APPENDIX E

Vignettes Depicting Parent/School Communication Difficulties

MARIA: "SHE'S NOT LEARNING BY THIS METHOD!"

Maria was born in the U.S., of Puerto Rican parents. Her mother, who graduated from high school in Puerto Rico, was single and received welfare benefits while she stayed home to take care of her two-year old daughter.

Maria had been retained in the first grade and, upon promotion to the second grade, was referred for special education evaluation. She was classified as learning disabled/reading, and given resource room services. At the end of her second grade year, Maria, then nine, was very tall for her age and expressed great embarrassment at being in a "baby" class. She was becoming very rebellious. Her mother monitored Maria's homework and noticed that the instructional approach was entirely phonic.

At the annual review meeting, the teacher explained that the very structured phonic approach demanded mastery before going on to the next step (DISTAR was the sole reading approach being used in the classroom and by the resource teacher). Maria's mother replied that she believed the phonics were confusing to Maria, who had only started speaking English when she entered kindergarten. She argued that Maria knew the names of the alphabet but had never figured out that the English sounds were different from the letter names (eg: A, C, vs. short a, hard c, etc...). She said that she had started teaching Maria to read by the whole word method before she entered school and that she had been doing well. She summarized her perspective as follows: "It's a very hard thing to understand, because the child is very normal, and yet she can hardly read a word. She was doing fine until she went to school! All children are not the same and she is not learning by this method!"

In the following year, Maria's new teacher introduced a combination of whole language, language experience and phonic methods and Maria began to make good progress. Two years later, in the fourth grade, it was determined that Maria no longer needed special education services, and her mother reported that "Maria can read!" When asked what had happened, she replied, "She got a new teacher."

SARITA: "SHE NEEDS TO LEARN TO READ!"

Sarita came to the U.S. from El Salvador at the age of 12, never having attended school in her native country. Her father works in construction and her mother as a house cleaner. Neither of her parents can read and write, and are monolingual Spanish speakers. Nevertheless, the family succeeded in buying a small house which was abandoned and in poor repair. The house is now attractively refurbished and surrounded by carefully tended gardens. Sarita has three older siblings, all of whom are married and gainfully employed. Her mother and her sister, who graduated from high school in the U.S., are very concerned about Sarita's education. The mother stated that "learning to read" was what she wanted most for Sarita. Sarita agreed.

Sarita has cerebral palsy and uses a wheel chair. She uses her left hand to hold a pencil and can now copy letters quite neatly, though very slowly. She tries very hard to articulate clearly but her speech is difficult to understand at first. On arrival in the U.S., Sarita spoke and understood only Spanish but now speaks English quite well, though still dominant in Spanish.

She was initially assessed for public school placement by an English speaking psychologist who decided to test her using the performance section only of the WISC-R, and concluded that she was "multiply handicapped". She was placed in a special center for students receiving Intensity VI services. By age 16, Sarita's educational program was predominantly vocational in emphasis, with about four hours per day of community-based job placement, doing jobs such as steam pressing clothes, putting tags on garments, or, more recently, hand copying the titles of old files in a county office onto a master list. She also received speech and language therapy focusing on articulation.

At age 16, Sarita became involved with a project at the local university, and two concerns emerged: First, that she had never had a bilingual evaluation, and, second, that her family was distressed that Sarita could not read and that the school was preparing her for employment exclusive of literacy. A request for a bilingual evaluation was submitted and was done a year and a half later. This evaluation included the WAIS-R (adult) in Spanish, the Bender-Gestalt, and the Woodcock-Johnson. She scored 76 on verbal and 65 on performance, giving her a full scale IQ score of 70. Her reading level was identified as first grade. This psychologist classified Sarita as mildly retarded.

That summer, the university project began a program of intensive individual reading instruction for Sarita, during which she made good progress. In the fall, the family requested a special meeting with school personnel, who agreed that Sarita's program should be modified to include two hours of reading and math instruction, with a developmental rather than a functional approach. The university project supported this with weekly tutoring in computer literacy and word processing. Sarita's reading progressed, and, at age 20, her reading level was informally estimated at about the third grade.

CHUCK: "HE'S NOT RETARDED"

Raymond and Barbara, ages 26 and 27, lived in a two bedroom apartment in a low income area of the city, with their 5 year old son, Chuck, and their new baby, just over a year old. Both parents worked, the father as a truck driver, and the mother as a clerk. They received considerable assistance in the form of child care from the children's paternal grandmother, who often took the children for weekends.

At the age of 2, Chuck had been referred to a Head Start program by a local health clinic, who, according to the parents, said Chuck "wasn't up to standard". At age 4, Chuck entered a regular education preschool program, but was referred to the special education program after his first semester, when, according to his parents, the teachers found that his "conduct" and "his speech" were not up to the standard of the class. Chuck received speech services as well as placement in a self-contained special education preschool class. In the next year, the mother attended her son's annual review and reported that she was very upset when the teacher stated that he "might" have a little slight retardation" (mother's reports).

Both parents disagreed with this classification and Raymond explained his view of Chuck, and of the meaning of mental retardation, as follows:

The teacher says it might be a little slight retardation. She says that a lot of questions she asks him, it's not that he can't do it, but he don't understand what she's asking him to do... And he do that a lot at home too. Like if you say something to him, you don' t get no response ...He might try to do it, and sometimes he would do it, but there are times when he don't understand .... A lot of times, we holler and stuff like that, and it kind of scares him, confuses him. Where if you, like, say the same thing later on, in a nice way, then he'll do it

Now, he is a bit slow.., but to me, that don't mean there's no slight retardation there. To me, retardation means like, that they're very slow, to the point where they seriously need some heavy personal attention ... But, I guess in the school, the least bit of difference or whatever, they use that term!

Barbara left the meeting struggling with tears, but did not tell the team of her disagreement with their classification. She said she was too upset to talk about it. In the final year of the study, neither parent attended Chuck's annual review meeting, saying that the mother had been sick and the father had to work. They reported that the school had decided to retain Chuck in the special education program.

CATRINA: "SHE'S NOT RETARDED!"

Arlene, about 30 years old, is the mother of two daughters, 5 year old Catrina and her 10 year-old sibling. The children's father also lives in the home. In the first year of the study, this mother attended the annual review meeting. She summarized her view of her daughter's services as follows:

Catrina has mild cerebral palsy. She receives physical therapy and occupational therapy twice a week. At the annual meeting they said her speech problem is greatly improved. She is even trying to write.

I didn't want her with a group of retarded children at a center. I wanted her in a regular class, with children as close to normal as possible. [But] they tested her and said she is mildly retarded. I don't agree. She has plenty of sense. She just has a short attention span. I would like to see her in a regular class and I'd like to see both the children at the same school.

In the next year, the mother was very disappointed to have to miss the annual review meeting. One day before the meeting, the researcher phoned her to ask if she was coming to the meeting, but she replied that she had received no notice and could not possibly attend since she had a hospital appointment for Catrina at that time. When she phoned the ARD manager to ask for rescheduling, she was advised that this would be very difficult and that she should not worry, since the papers would be sent to her for her to inspect and sign. The researchers attended the meeting, at which the child's classification was reported as "orthopedically impaired and intellectually limited"; it was decided that she should continue in the self-contained program with PT, OT, and speech services.

In the third year, Arlene had Catrina moved to another school because of poor teacher control in her classroom and the child's report that classmates older than her had molested her in the bathroom. The mother liked the new school and classroom teacher, but still disagreed with the system's evaluation of her daughter. She explained her point of view in the following way:

The psychiatrist said she was at the retarded range, or something. I didn't agree. I know that she's slow, but she's doing good compared to others ... She is slow, but not retarded.

Retarded are people who really can't do a lot. But, Catrina, I mean she remembers things. I mean, she can tell you what happened. If she say someone did something to her, and I ask her what happened, she can tell you what happened. ... Like, one day, I had put plaits in her hair, with beads on each plait. She came back with nary a bead in her hair.

I said, "Catrina, what happened to your hair?" She said, "They was pulling my hair, and throwing my beads on the floor, and telling the teacher I did it". She said the teacher was right there, and acted like she didn't even see them ... Then the teacher gonna tell me, "Catrina, um, took those beads..." I said, "No, she didn't! Cause I done put beads in my child's hair before. She never messed with her hair. I know what she do. I know she ain't gonna pull the beads out her hair!" [Another time], she'll say, "You remember when Bobby touched me on my vagina, or, "When that little girl laid me on the floor in that bathroom, and got on top of me". Yeah, she remembers when somebody's done something to her. I don't think somebody retarded could do that...

And her schoolwork, she's doing good in that...I'm not saying somebody retarded would never learn to read, but it would probably take them longer to do it, I think, than her.

...So I told him I didn't agree with that. Cause I told him I don't think somebody retarded could do all the things she can do. And he said, "Well, it's really too young..." She's really too young for him to tell. This is not definite, or something.

Course, I wouldn't care if she's retarded or not. She's mine you know. It wouldn't matter to me. But I just don't see it - that she's retarded.

CHUCK AND CHARLES: "HE CAN DO THAT!"

Parents frequently complained that the assessments of their children did not gain an accurate picture of the child's competencies. Barbara, 5-year-old Chuck's mother, spoke of her son's first evaluation at about age 3:

They tested him. He wouldn't cooperate and they wouldn't let me go in the room to try to help them out. He wouldn't do anything for the ladies who were trying to test him. I think he would've done what he was asked to do, if I could've been a part of it.

Two years later, Barbara found that Chuck's classroom teacher had considerable difficulty assessing him. She gave the following examples:

A lot of things, like in the beginning, a lot of things he would do at home, but in school he wouldn't do ... And they might say he needs help on this and that. And we'll get the letter, and we say, well, he does that all the time at home.

Then, one time I had to prove it. She say, teach little Chuck how to zipper up his pants and fasten his pants. And I say, he know how to do that! And she say, teach him how to open and close his lunch box. And I say, he know how to do that! So one day, I went to pick him up ... and I say, "Watch this! Go on Chuck, unfasten your pants." Cause he knows how to put his clothes on by hisself. Zipping them up and everything! But he wasn't doing it at school ... I say open and close your lunch box so he did it. And she say, "OOH! He won't do it here for me!"

Similarly, Davenia, 35 year old mother of Charles, age 6, felt that his classroom teacher was overworked and unable to adequately assess Charles' performance. She gave the following example:

There's a lot of things she can't do. She doesn't have any help. So, for a long time, on his report cards, she had him being evaluated as not knowing his address. But she never tested him. Or she probably tested him once, and he probably didn't feel like it that day... So I went up there a couple of times ... and I made a point, I said: "Ms. Archer, he knows his address. He knows his phone number. He knows his old address from last year." So she said, "Well, when I did the testing..." (which I don't really believe she did it, because he would've told her his address) ... So I put Charles in front of her, and I made him ... He reeled off the address and phone number. So, she said, "Okay, I'll change his report card". So this quarter, it should be a "I" on his report card.

DAMETHIA: "A CHILD DOESN'T NEED TO BE SHUFFLED AROUND!"

Dorothy, a single mother of two, had to quit her job and rely on public assistance after the birth of her second child, whose genetic disorder resulted in numerous health problems. Dorothy and her two children lived in a subsidized row house in the city, with her mother and two nieces whom her mother had adopted. The younger child, Damethia, was 4 at the beginning of the study, and 7 at the end. After two years in a special education preschool class, the teacher concluded that Damethia's academic progress had been seriously impeded by unavoidable absences, but noted that her communication had improved tremendously. Damethia was moved to a special education class in her zoned school.

Her mother was pleased with the home school placement, but soon became concerned that her daughter was in a class of children ranging from ages 5 to 9, and who had "terrible behavior problems". She described it this way:

The problem was the class. To me, there just wasn't enough substantial stuff as far as the education ... There was only 5 kids, but they all had terrible behavior problems, and there was no assistant

... The teacher might get one of them squared away, and then another one would start acting up. That again, would take her attention off of the one she was working with because she had to go and see what the other one was doing. One day, Damethia even came home with her hair cut out...

So I started going over there just about every day, or three times a week. I even talked to the principal and said, "Why don't you all get her [the teacher] some help instead of transferring a child from this place to that place to this place!" That can set a child back too... If they started special education over there, then they're supposed to provide anything that those five children needed to keep them working. There wasn't supposed to be any of this transferring around.

[So they moved her] because... I think they used the stairs as an excuse... I mean, she walks steps every day at home, so what's the problem with her walking them at school? ... It wasn't the stairs, I think it was more about me...me going up to the office and things like that. I'm not going to have my child coming home with a busted face, hair cut out, etc ...

But I didn't want her moved out. I wanted them to do something about the situation right there. All they had to do was ... well, the same way we had to go to those ARD meetings, they should go to meetings ... Yes, the principal and the teachers should go to meetings and suggest things. Say, "Well, our special education isn't holding up to the standards. We need so and so in the classroom to help these children a little bit more. We're not going to move these children, we're going to work with these children ... [Otherwise], what are they going to do? Keep on running the children out of the school? One's not writing her name well enough; one can't walk a pair of steps well enough. That's where you step in and you find things, a solution to the problem to work with this child. A child doesn't need to be shuffled around ...

So, I said, " Why do you have to move her? I don't see why she should have to be moved because she doesn't know how to write her name." That's a poor experience for a child that doesn't know how to write her name. Children take different times to write their names. Plus, she has a long name! If I knew she was going to be sick, I wouldn't have given her such a long name! ... But that was a poor excuse; they were looking at her health problems and such. But, really I don't send her to school if she's sick, like if she has a fever, so that's not something they're going to have to battle with a whole lot anyway.

But they said she needed to be in the Level 5 school ... in an almost one-to-one situation. This is what I was told, so I was looking forward to it ... But to me, it's no different from where she was before, except for there's an aide, and she's not climbing the steps. Oh, and they have a whole lot of handicapped and sick children, so they have a nurse always there.

So, really, [the reason was], there wasn't enough classes to go around for special education in her age group over there. You didn't have any choice - either she fulfilled what they wanted in this class or she moves out to another school. They need to put more funding in the schools to get the things that the special children need. That's just like taking something away from a child. Telling her, yes, you can *go to school, but you can't go across the street. She had really gotten used to going across the street to her school; she still calls it her school, cause that's her neighborhood school.*

TAMARA: NO TIME FOR TEARS

Prudence, a mother in her mid-thirties, was distressed by 7-year-old Tamara's lack of progress in her self-contained primary special education class. The family, which included both parents, the child, Tamara, age 6, and an older son of 19, lived in a middle-income neighborhood in a suburban area of the city.

Tamara had started preschool at age 3, as a result of a referral by the doctor who had diagnosed a 20% hearing loss in both ears, as a result of ear infections. In the first year of the study, Tamara was repeating the special education preschool class, and then was placed in kindergarten late in the year. In the third year, she was placed, at first, in a regular first grade class, but, after the first month, was returned to a primary special education (self-contained) class in the mornings, and in a regular kindergarten class in the afternoons. Dorothy felt that Tamara was improving in her overall development, but was "not learning anything" in the special education class because the work was too repetitive and the peer group too widely varying in terms of behavior and age range. Dorothy felt that Tamara was "picking up bad habits" from the "behavior problems in the class." Dorothy had insisted on part-time kindergarten placement to get her into a different environment since the morning class was so unacceptable. She explained the situation this way:

I made the decision, because, she was bringing her homework home, and it was the same thing, over and over again. So, I took it up to the school, and I showed them, and I told them to put her back in kindergarten. Ms .... has enough problems dealing with those behavior kids, and she doesn't have time to really put her mind on Tamara ... The teacher's all over the place, trying to work with each kid, and correcting the behavior kids, and trying to keep the bad ones from acting up. I hate going over to that school and seeing this. And she's picking up things, like rolling her eyes and smart mouthing; she didn't use to be like this. The other day, she asked me, "Why didn't you tell me that before?" I said, "Excuse me, what did you say?"...

Then, I told them about this homework...by her having the same thing over and over, her mind is just stopping. It's not challenging her to do anything different... Like, Tamara had her homework last night. I went downstairs, and she ran upstairs and got last year's book, because she knew she had those same problems last year. She brought it downstairs, and opened the book, and started copying it...

By the third year, Dorothy was reporting that matters were much worse. Tamara was in the same special education class as the year before, and was refusing to the work, which, she said, she had done before. Dorothy was frantically searching for a tutor to supplement the school's efforts. She said:

Same people, same teachers, same ... not doing anything. She said it herself, "Mom, I'm not learning anything ... We're doing the same thing we did last year, you know with the 'wh' sounds". So *now the teacher says Tamara just cries and cries and don't want to do no work... I said, "That's not Tamara!" So I told her, "next time she cries, just call me, and I'll be right up there!" So she called me today, and I snuck up there, she didn't know I was there. Tamara sat there the whole day, and did not copy them sentences off the board. The teacher said she had her doing that last week, and instead of Tamara doing it, she found papers that she had already done, and changed the date. She put this date! She said Tamara tried to pass it in, and she told her, "Tamara, that's not the same work". But Tamara had enough sense to know she had done it before. She erased the date and gave it to the teacher. I mean, the girl got good sense!*

Then, the book that she had last year, working out of it, she's got it this year. Same book. She tore the book up because she didn't want to do the work...And I was like, "That's not Tamara. She's never had a behavior problem." But she really did it! The teacher wrote a note telling me what she did, but I never saw the note ... I sent her back a note. She never got it! Her father found in an ashtray. She knows neither of us smoke, so she tore it up in little pieces and put the top down on it. Girl's got good sense! The girl is smart!

Soon after this, the researchers observed Tamara's annual review meeting. Dorothy came prepared to show the team some of the repetitive work and childish coloring that Tamara was being given for homework, and to ask for her to be placed in a different class, preferably a regular education first grade with resource services. Shortly after the start of the meeting, the mother indicated that she wanted to say something. The manager deferred to her and Dorothy started in a gentle but firm tone, stating her concern about the repetitive nature of Tamara's curriculum; she focused first on the repetitive articulation work. After about 3 minutes, the speech and language pathologist interrupted her, saying, "Well, now, you must remember that Tamara needs a lot of speech work; you know that she was originally referred for a hearing loss." The mother tried to respond to this, but was quickly interrupted again in a similar vein. She then made her point about the repetitive nature of the curriculum. The team manager did support some of the mother's comments about repetitive curriculum by asking the teacher to specifically answer this charge.

Despite this challenge to the teacher, however, the dialogue generally took the form of a series of statements by the mother, each quickly refuted by a team member. For example, when Dorothy made the point about Tamara changing the date on her work, the teacher responded that this was an example of Tamara's oppositional behavior; further, she said, the sheet of bunnies for coloring, which the mother had brought, was not homework, but merely a class activity for children who had finished their work. The entire interchange lasted about 10 minutes, with the mother's voice growing increasingly strained, until her eyes filled with tears and she stopped speaking altogether.

As the tears rolled down Dorothy's cheeks, the team manager came over and put her arm around her, and, making sympathetic comments, ushered her out of the room. In her absence, the researcher attempted to share with the team some of the information the mother had been reporting, but the psychologist quickly exclaimed, "You see, this mother really cannot be regarded as a reliable informant!" At this point, the researcher asserted that she would have to behave as an advocate rather than a researcher for the time being; she proceeded to offer her opinion as to the appropriateness of some of the mother's views, and received a very respectful hearing from the entire team. The team manager, and to a lesser extent, the psychologist and speech pathologist, then began to explain that, while the mother may be right in her opinions, their hands were really tied by the inadequacy of the provision of classes in the school. The team manager stated that she would advise the mother to investigate the possibility of a more appropriate placement in another nearby school.

After about 20 minutes, the mother was returned to the meeting by a sympathetic office assistant. She took her seat, and began apologetically, obviously very embarrassed by her outburst. She stated that she realized that much of the difficulty was "my own fault", since her job was very demanding and she could not give as much time to her daughter as she would wish. The psychologist replied sympathetically that she should not blame herself, since we all have problems at home. The researcher then asked the team manager to summarize for the parent the discussion that had been held in her absence. The team manager did this, concluding that the team's recommendation was still continuation in her current placement, but advised the mother that she had the right to seek another placement, and need not sign the IEP at this time. The meeting ended with the parent saying that she would not sign the IEP until she had thought about it some more.

CHARLES: "IT'S GONNA BE A NIGHTMARE GETTING HIM OUT OF THERE!"

Thirty-five year old Davenia was the single mother of an only son, Charles, age 6. Davenia worked as a credit card checker at a large department store. Davenia had taken her son for evaluation because she found his speech development slow at age 2. She was an active observer of his preschool and kindergarten class, and had spent 3 years carefully monitoring school activities, and advocating for her son to be mainstreamed as soon as possible. After his first 3 years of schooling, she traced her 6-year-old son's career in special education as follows:

Charles initially went into the ARD program with the problem with his speech. But once he got in there, and he seen the problems the other children was having - the behavior problems ... he thought this was the reaction he was supposed to have. The falling on the floor, the kicking and screaming for things, the spit coming out. Because he seen kids do this, he says, "Hey, this is the way to act". That's my opinion!

When you have a bunch of kids with a lot of different problems...all in one class, usually the ones that are doing a lot of physical [acting out], are the ones the other children gonna imitate ... The teachers don't realize that because they group all the children as this one handicap. This was "the handicapped, level 4 child".

See, he was 3 when he went to the preschool program. He went there for his speech. And it seemed they was concentrating more on his behavior than his speech. And all the while, his speech was getting better and better, but his behavior was getting worse. The more they concentrated on his behavior, the worse it got .... The thing I find about that program that's really unfair is ... literally, you had

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kids bouncing off the walls in those classes. So if a kid falls through the cracks and gets into this program, and the only problem the child has is, maybe a delayed speech problem, if the parent is not active in that child's life, you're gonna have a child that spends the majority of this life in a special program.

Now, the other thing is, Charles was spoiled, he was an only child, and he would start falling out when he couldn't get his way. Now, if a normal kid falls out, they say, "Oh, that's a little brat". But they wasn't saying this in this class. They was saying, "Oh, he has a problem. OH!"

I think if I had not panicked as quickly as I did, and put him in a regular day care center, it would've been much better... I think he would have developed just as quickly. I think when you get a kid in the ARD program, they say, "Well, he started out as an ARD child, so there could be problems later on". I don't want my child labeled because he was in ARD ... And that ARD class wasn't teaching him anything. They're teaching him how to socialize and how to get along. But when it comes to sitting down and working with him with his alphabet or numbers, with math and everything, they say, "Oh, don't worry about that right now. Little Johnny is having a problem today. We'll leave him alone today...He doesn't have to learn to read today."

At the end of Charles' preschool year, he was placed in a regular kindergarten with pull-out speech services. His mother did not realize this meant he was still "in" special education. At the end of the kindergarten year, she was shocked when she received the annual review disposition to sign. She had not received a notice of the meeting and had not even expected one. She refused to sign the papers without a meeting. This was granted, but it turned out to be a meeting with the ARD manager only, and a subsequent meeting with the speech pathologist. It was explained that Charles' speech services would continue into the next year. Davenia felt he did not really need these services, especially since the pull-out model meant he was missing academic classes. She had studied the last two years' IEPs and concluded that the goals were just about identical. She exclaimed:

You know, I took him to the ARD to start him out with speech. And, it just seems like it's going to be a nightmare getting him out of there!

Source of vignettes:

Harry, B. (in preparation). *Case studies in cultural reciprocity.* Baltimore: Brookes.

Harry, B. (1992). *Cultural diversity, families, and the special education system: Communication and empowerment.* New York: Teachers College Press.

Harry, B., Allen, N., & McLaughlin, M. (1995). Communication vs. compliance: A three-year study of the evolution of African American parents' participation in special education. *Exceptional Children, 61*(4), 364-377.

APPENDIX F

Suggested Readings from Dr. Beth Harry

SUGGESTED READINGS

Anderson I M. (1992). The use of selected theatre rehearsal technique activities with African American adolescents labeled Behavior Disordered. *Exceptional Children, 59*(2), 132-140.

Arewa, 0. (1977). Cultural bias in standardized testing: An anthropological view. *The Negro Educational Review, 28*(3&4), 153-171.

Banks, J., & McGee Banks, C. (1993). *Multicultural education: Issues and perspectives,* (2nd ed.). Boston: Allyn & Bacon.

Finn, J.D. (1982). Patterns in educational placement as revealed by the OCR survey. In K.A. Heller, W.H. Holtzman, & S. Messick (Eds.), *Placing children in special education: A strategy for equity* (pp. 322-381). Washington, DC: National Academy Press.

Harry, B. (1992). *Cultural diversity, families, and the special education system: Communication and empowerment.* New York: Teachers College Press.

Harry, B. (1992). Restructuring the participation of African American parents in special education. *Exceptional Children 59*(2), 123-131.

Harry, B., Torguson, C., Katkavich, J., & Guerrero, M. (1993). Crossing social class and cultural barriers in working with families: Implications for teacher education. *Teaching Exceptional Children, 26*(1), 48-SI.

Harry, B., Allen, N., & McLaughlin, M. (1995). Communication vs. compliance: A three-year study of the evolution of African American parents' participation in special education. *Exceptional Children, 61*(4), 364-377.

Harry, B. (in preparation). *Case studies in cultural reciprocity.* Baltimore: Brookes.

Haywood, H.C. (1988). Dynamic assessment: The Learning Potential Device. In R.L Jones (Ed), *The psychoeducational assessment of minority group children: A casebook* (pp. 39-64). Berkeley, CA: Cobb & Henry.

Hilliard, A.G. (1991) *Testing African American students: Special re-issue of The Negro Educational Review, 25*(3&4), 189-201.

Hilliard, A.G. (1992). The pitfalls and promises of special education practice. *Exceptional Children, 59* (2), 168-172.

Irvine, J.J. (1991). *Black students and school failure: Policies, practices and prescriptions.* New York: Praeger.

Knapp, M.S. & Needels, M. (1990). Review of research on curriculum and instruction in literacy. In M.S. Knapp & P.M. Shields (Eds.), *Better schooling for the children poverty: Alternatives to the conventional wisdom, Vol. 2.* Menlo Park, CA: SRI International.

Kozol, J. (1991). *Savage inequalities: Children in America's schools.* New York: Harper Collins.

McLaughlin, M., & Warren, S.H. (1992). *Issues and options in restructuring schools and special education Programs.* College Park, MD: University of Maryland.

Mercer, J.R. (1973) . *Labeling the mentally retarded.* Berkeley, CA: University of California Press.

Natriello, G., McDill, E.L., & Pallas, A.M. (1990). *Schooling disadvantaged children: Racing against catastrophe.* New York: Teachers College Press.

Ogbu, J.U. (1987). Variability in minority school performance: A problem in search of an explanation. *Anthropology and Education Quarterly, 18,* 312-336.

Patton, J.M. (1992). Assessment and identification of African American learners with gifts and talents. *Exceptional Children, 59*(2), 150-159.

Peterson, R.L. & Ishi-Jordan, S. (1994). *Multicultural issues in the education of students with behavior disorders.* Cambridge, MA: Brookline Books.

Quality Education for Minorities Project- (1990). *Education that works: An action plan for the education of minorities.* Cambridge, MA: Massachusetts Institute of Technology.

U.S. Department of Education, Office for Civil Rights. (1994). *1992 elementary and secondary school civil rights survey. National summaries.* Washington, DC: DBS Corporation.

Samuda, R.J., & Kong, S.L. (1989). *Assessment and placement of minority students.* Lewiston, NY: Intercultural Social Sciences Publications.

APPENDIX G

Next Steps for Participating Teams

Team A

Goal: Initiative to reduce disproportionate placements.

Elements to be looked at:

1. Pre-referral
2. Assessment review
3. Link between assessment and instruction
4. Improve instruction
5. Monitoring on a continual basis

Team B

1. Develop awareness of data from Central
2. Assess pre-referral process
3. Support specialists for general education teachers
4. Staff development
    - ↗ general education
    - → special education > parents
    - ↘ administrators
5. Include an instructional component to pupil personnel team
6. Special education parent liaison from the Parent Advisory Council to represent individual schools

Team C

1. Present proposal for data collection, review and analysis of ESL, special education, 504 with reference to ethnicity, SES, gender (by Sept. 97).

2. Develop specific goals for data collection and utilization with a "change" team (by Oct. 97).

3. Develop and approve survey document (by Nov. 97).

4. Distribute and collect survey data (by Jan. 98).

5. Implement specific goals around the data collected (by March 98).

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Team D

1. Analyze results of needs assessment given to 10% of school districts in state the end of June.
   By: State Department of Education personnel
   To be completed by July 30.

2. Share results for purpose of planning training/technical assistance activities. [Method to be determined]

3. Provide technical assistance to four selected districts.

4. Share process in #3 with other districts and provide information regarding available resources. Use personnel from four districts in a manner to be determined.

5. Bring process into clearer focus statewide as a Department of Education initiative for progress, improvement, etc. [Incentives]. Relate/link to other departments/issues. Education of districts is key.
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Team E

1. Formalize procedure for assessing students who are LEP for special education.

2. Systematically review by school all students in ESL program to determine need for further supports and /or special education referral.

3. Ensure participation of symposium team in developing response to OCR - PAR review.

4. Affirm the positive actions/activities that have occurred in the evolution of the school district regarding issues of race and ethnicity.

5. Revisit parent communication with special educators as part of parent compact.

* * *

Team F

What goal(s) can be reasonably set to marshall necessary support?

ISSUES RAISED	What if...

• resources/funding
• special education programs
• honors
• behavior/discipline
• regular curriculum supports
• leadership
• professional development culture
	• 4 districts
	  • pursue analysis
	  • building/level focus and plan
	• 4 districts as resource, representatives across state
	• Ea Dist's identified buildings in turn serve as resources
	• districts and schools use data to focus

LEADERSHIP	

Team G

State Department of Education will:

1. Develop one pilot training program
    - interpreters
    - teachers - cross training
    - consider collaborative in Rhode Island
    - paraprofessionals [recruitment/retention/development]
2. Look at data collection system(s)
3. Department of Education will meet with [two districts that attended symposium] regarding planning and implementation. Consultant will also be included.
4. District representatives will provide feedback to their schools and colleagues.
5. Attempt to incorporate learnings into work (i.e. pre-referrals and local staff development activities).

Team H

1. Collect data to determine disproportionate numbers.
2. Analyze data.
3. Examine all pre-referral, referral, and assessment practices which result in outcomes on an ongoing basis as a matter of practice.

Team I

1. Continue "contextual" assessment process currently in development
    - implement parent/home background/literacy survey
    - implement teacher questionnaire
    - develop alternative assessment tools for language minority students
2. Continue to strengthen the pre-referral process
3. Continue to provide more on-site resources especially in the area of behavior management to ensure LRE.
4. Provide opportunities for staff development for special education to ensure that special education curriculum is congruent with the established general curriculum Pre-K through 12.
5. Develop improved methods of tracking and documenting student academic/social-behavioral progress.
6. Rethink and reorganize the type of data reporting referral/placement/exit information regarding special education students.

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Team J

Provide pre-K students, who are educationally at risk (not disabled), with a communication enrichment program.

- Conduct a feasibility study
- Define targeted population
- Explore funding sources
- Explore sites - home and/or school-based options
- Establish timeline
- Collaborate with SDE
- Explore appropriate education models
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Team K

1. Examine the enrollment percentages of students in substantially separate programs by race/ ethnicity/ language

2. Special education department and special education parent advisory council will collaborate in developing the following:

   PARENT ROLES/RESPONSIBILITIES
   (Suggestion list for TEAM MEETINGS)

3. Continued staff development

4. Increased opportunities for "in-system" classroom visitation